

**General Assembly**

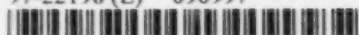
Distr.: General
20 August 1997
English
Original: English and Spanish

Fifty-second session
Item 146 of the provisional agenda*

**Convention on jurisdictional immunities of States and
their property****Report of the Secretary-General****Contents**

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* A/52/150 and Corr. 1.



I. Introduction

1. On 9 December 1994, the General Assembly adopted resolution 49/61, entitled "Convention on jurisdictional immunities of States and their property", paragraphs 2 and 3 of which read as follows:

"The General Assembly,

"...

"2. *Invites* States to submit to the Secretary-General their comments on the conclusions of the chairman of the informal consultations held pursuant to its decision 48/413 of 9 December 1993, and on the reports of the Working Group established under its resolution 46/55 of 9 December 1991 and reconvened pursuant to its decision 47/414 of 25 November 1992;

"3. *Decides* to resume consideration, at its fifty-second session, of the issues of substance, in the light of the above-mentioned reports and the comments submitted by States thereon, and to determine, at its fifty-second or fifty-third session, the arrangements for the conference, including the date and place, due consideration being given to ensuring the widest possible agreement at the conference".

2. Pursuant to the above request, by a note dated 5 March 1997, the Secretary-General invited the Governments of Member States as well as of other States to submit the comments referred to in paragraph 2 of resolution 49/61.

3. The present report reproduces the replies received as at 22 August 1997. Any further replies will be reproduced in addendum to the present report.

II. Replies received from States

Argentina

[Original: Spanish]

[14 July 1997]

General observations

1. The Argentine Republic believes that the draft articles on jurisdictional immunities of States and their property, adopted by the International Law Commission at its 2235th meeting on 4 July 1991,¹ are of great value. Reflecting the usual practice of States, they represent a balanced view which reconciles the necessary immunity that should be

granted to States before foreign courts with the generally recognized tendency to deny such immunity to actions that are not performed in the exercise of sovereign authority.

2. It should be noted that Act No. 24,448 on immunity from jurisdiction of foreign States before Argentine courts, insofar as its basic provisions referring to the scope of immunity are concerned, contains norms substantially similar to those contained in the draft articles.

3. Likewise, it is appropriate to stress the importance of the fact that the regime of jurisdictional immunities of States and their property may finally be regulated by international public law through a multilateral treaty concluded under United Nations auspices. The conclusion of a treaty of this type will lead to greater predictability in a State's actions before foreign courts, eliminating the discrepancies among the many legal regimes arising from the differing laws in each State.

4. Without prejudice to the above, the norms applicable to sovereign immunity of States should be complementary and should not modify the regime of privileges and immunities already established by diplomatic and consular law. In that respect, the conceptual distinction between the two legal regimes and the differing nature and purpose of each must be borne in mind. Therefore, it would be inappropriate for the regimes provided by the draft articles to overlap with the various norms of diplomatic and consular law.

Specific observations

Article 2, paragraph 1: Definition of a "State"

5. Article 2, paragraph 1 (b) (ii) says that the term "State" means "constituent units of a federal State". Subparagraph (iii), on the other hand, establishes that the same term also means "political subdivisions of the State which are entitled to perform acts in the exercise of the sovereign authority of the State".

6. With regard to those texts, the terms "constituent units of a federal State" and "political subdivisions of the State which are entitled to perform acts in the exercise of the sovereign authority of the State" do not appear to be clearly differentiated from one another in respect of their field of application. In point of fact, a "constituent unit of a federal State" (e.g., a state or province) is still a "political subdivision of the State".

7. According to the commentary of the International Law Commission on the draft articles, such units (constituent units of a federal State) "are regarded as a State for purposes

of the present draft articles." Likewise, the Commission stated that "in some federal systems, constituent units are distinguishable from the political subdivisions referred to in paragraph 1 (b) (iii) in the sense that these units are, for historical or other reasons, to be accorded the same immunities as those of the State".²

8. If the objective is to cover in the draft articles the acts of federated states which, being autonomous, are acting in exercise of their own sovereignty and not in exercise of that of the federal State, the concept should be expressed more clearly by adding the phrase "when acting in exercise of sovereignty which, under the law of the State of which they are a part, is accorded to them".

9. In another connection, it should be noted that, in international law, the phrase "constituent units of a State" means those units which constitute an independent State (territory, population, self-government and sovereignty) and not federated states. Along those lines, perhaps the terminology of the draft articles of the International Law Commission on State responsibility could be used (article 7, paragraph 1), and the phrase "constituent units" could be replaced by "autonomous territorial governmental entities".

10. Consequently, subparagraph (ii) could read: "the autonomous territorial governmental entities of a federal State when acting in exercise of the sovereignty which, under the law of the State of which they are a part, is accorded to them". In turn, subparagraph (iii) could read: "other political subdivisions of a State which are entitled to exercise the sovereign authority of the State".

11. Article 2, paragraph 1 (b) (v) indicates that the term "State" means "representatives of the State acting in that capacity".

12. The International Law Commission's interpretation of the text of this subparagraph should be carefully analysed. The Commission includes in this category, *inter alia*, heads of State or Government and diplomatic agents.³

13. In the case of diplomatic agents, the Commission's commentary makes reference to the theory of the importance of the function as the basis for diplomatic privileges and immunities (which are granted not for the benefit of the diplomatic agent, but of the State he represents). Likewise, it makes a distinction between immunities recognized *ratione materiae* and those recognized "*ratione personae*".⁴

14. On this point, the inclusion of diplomatic agents, consular officials or other persons who enjoy privileges and immunities under international law could represent an overlapping of the regimes of the international instruments in force in that area (Vienna Convention of 1961 on

Diplomatic Relations, Vienna Convention of 1963 on Consular Relations, etc.). It should be noted that the purpose of those International Law Commission articles is to establish a regime of immunity from jurisdiction for the State as a legal person, not for the natural persons of diplomatic agents and consular officials, which has already been established by the respective codifying conventions.

15. Therefore, the scope of application of the present articles should not be extended to the point that they could modify in any way the prevailing norms of diplomatic and consular law. Accordingly, and considering that article 3 contains express safeguards regarding the existing diplomatic and consular conventions, it seems appropriate to add to the end of subparagraph (iv) the phrase "without prejudice to the provisions of article 3".

Article 3: Privileges and immunities not affected by the present articles

16. Article 3 provides as follows:

"1. The present articles are without prejudice to the privileges and immunities enjoyed by a State under international law in relation to the exercise of the functions of:

"(a) its diplomatic missions, consular posts, special missions, missions to international organizations or delegations to organs of international organizations or to international conferences; and

"(b) persons connected with them.

"2. The present articles are likewise without prejudice to privileges and immunities accorded under international law to heads of State *ratione personae*."

17. The text of the above-mentioned provision should be interpreted in accordance with the "ordinary meaning" referred to in article 31, paragraph 1, of the 1969 Vienna Convention on the Law of Treaties. In that connection, it should be borne in mind that subparagraph (b) would read as follows: "The present articles do not affect the privileges and immunities enjoyed by a State (...) in relation to the exercise of the functions (...) of the persons connected with them (namely, diplomatic missions, consular posts, etc.)."

18. It appears from the foregoing that the above-mentioned safeguard applies only to acts performed in the exercise of official functions. Otherwise, the present articles could affect the privileges and immunities relating to acts performed by diplomatic agents outside of the exercise of their official functions. The consequence of that solution would be that the application of the present articles could nullify the privileges and immunities recognized by

international law. It would therefore be advisable to amend the draft of the Commission's text in order to provide a clear safeguard for the privileges and immunities of diplomatic law.

19. It should also be noted that the expression "connected with" does not appear to cover all those persons who are entitled to privileges and immunities (e.g., the family members of diplomatic agents or consular officials). The words "members of their staff and family members covered by the relevant statutes governing privileges and immunities" would therefore be more appropriate.

20. In view of the foregoing, the provision could be redrafted as follows:

"1. The present articles do not affect the privileges and immunities granted under international law, conventional law or customary law to:

"(a) a State's diplomatic missions, consular posts, special missions, missions to international organizations or delegations to organs of international organizations or to international conferences; and

"(b) the members of their staff and family members covered by the relevant statutes governing privileges and immunities.

"2. The present articles are likewise without prejudice to the privileges and immunities accorded under international law to heads of State *ratione personae*."

Article 14: Intellectual and industrial property

21. Paragraph (b) of article 14 provides that States shall not enjoy immunity in proceedings relating to "an alleged infringement by the State, in the territory of the State of the forum, of a right of the nature mentioned in subparagraph (a) [patents, intellectual property, etc.] which belongs to a third person and is protected in the State of the forum".

22. This rule is understood to apply only to cases in which the State commits acts that involve a clear infringement of an intellectual property right enjoyed by a person in the State of the forum (e.g., the commercial exploitation of a product which has been patented in the said State). Under no circumstances, for example, could a claim be allowed against a State for failure to provide the legal protection for a patent in its own territory. Indeed, the enactment of laws is an attribute of sovereignty and is in the nature of an act of State, which cannot be reviewed by foreign courts.

23. In order to delimit the scope of the rule, it would be advisable to insert a new paragraph reading as follows: "In

cases in which the claim is based on the failure of a State to provide adequate legal protection of a right of the nature provided for in subparagraph (a), the said State shall enjoy immunity in the courts of the State of the forum". This would become paragraph 2, and the earlier paragraph could become paragraph 1.

Article 16: Ships owned or operated by a State

24. This rule provides that a State which owns or operates a ship cannot invoke immunity from jurisdiction "if at the time the cause of action arose, the ship was used for other than government non-commercial purposes (para. 1).

25. It also provides that paragraph 1 does not apply to warships and naval auxiliaries nor does it apply to "other ships owned or operated by a State and used exclusively in government non-commercial service" (para. 2).

26. Finally, it provides that a State cannot invoke immunity from jurisdiction before a court of another State in a proceeding which relates to the carriage of cargo on board a ship owned by that State if "the ship was used for other than government non-commercial purposes" (para. 4).

27. In this connection, and without objecting to the provision itself, the Argentine Republic considers that it would be advisable to examine the expression "government non-commercial purposes" in the light of the terminology used in the United Nations Convention on the Law of the Sea.

28. That Convention uses the term in question only in its article 236, with reference to protection of the marine environment. In other parts of the Convention, reference is made simply to "non-commercial purposes" (arts. 31 and 32). Consideration might also be given to the possibility of making the terminology used in the draft articles consistent with that used in certain conventions on maritime transport, which were concluded under the auspices of the International Maritime Organization. Those conventions use the expression "government non-commercial service" (see the International Convention on Civil Liability for Oil Pollution Damage of 29 November 1969, art. XI, para. 1, and the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties of 29 November 1969, art. 1, para. 2).

Article 18: State immunity from measures of constraint

29. In general, we share the view of the International Law Commission regarding the need for a connection to be established between the property and the claim which is the

object of the proceeding or with the agency or instrumentality against which the proceeding was directed.⁵ However, we also support the proposal by the Chairman of the Working Group of the Sixth Committee to insert a paragraph reading as follows: "No measures of constraint shall be taken against the property of a State before that State is given adequate opportunity to comply with the judgement."⁶ In this connection, it should be noted that the text in the Spanish version is different from the original words used in the Chairman's proposal. In fact, the term "coercive measures", which appears in the Spanish version, could be confused with the type of measures provided for in Chapter VII of the Charter of the United Nations. The proposed wording ("measures of constraint") would seem to be more appropriate for an instrument of a procedural nature.

Article 21. Default judgement

30. Paragraph 3 provides that the time limit for "applying to have a default judgement set aside" shall not be less than four months and shall begin to run from the date on which the copy of the judgement is received. We believe that the text is unclear and should be redrafted. Specifically, if the purpose of the rule is to affirm that a default judgement that is rendered against a State should be set aside if the requirements stipulated in article 20 are not met, then the third paragraph should be worded as follows: "The time limit for applying to have a judgement, when rendered in default of appearance, set aside shall not be less than four months [and shall begin to run from the date on which the copy of the judgement is received or is deemed to have been received by the State in question]." The bracketed portion of the paragraph would remain the same as in the International Law Commission's version.

Other issues

Aircraft and space objects

31. On this topic, the draft articles should include general rules governing immunity of aircraft and space objects owned or operated by States. We share the view expressed by some delegations in the Working Group of the Sixth Committee that the regime which had been proposed for warships and other ships owned or operated by States for non-commercial purposes should also cover aircraft and space objects.⁷

Dispute settlement mechanism

32. The draft articles should contain a mechanism for the settlement of any disputes which may arise concerning the interpretation or application of the Convention, to which States would be required to have recourse.

33. Based on the proposal contained in the report of the Working Group on the Convention of 3 November 1992,⁸ we wish to suggest the following text:

"1. Any dispute between two or more States Parties concerning the interpretation or application of the provisions of this Convention in respect of a proceeding instituted before the court of one State Party against another State Party shall be settled by the Parties through direct negotiations.

"2. If no agreement is reached within six months from the date the dispute arose, the dispute shall be submitted to the International Court of Justice, unless the Parties agree otherwise.

"3. Cases which are submitted to the Court pursuant to this article shall be dealt with and ruled upon by the chamber of summary procedure formed in pursuance of Article 29 of the Statute of the Court.

"4. Subject to the provisions of paragraphs 1 and 2, the State Party against which a proceeding has been instituted before a court of another State Party may submit the dispute to the International Court of Justice where:

"(a) A default judgement has been given against it by the court;

"(b) The court has rejected its claim to immunity from jurisdiction.

"5. Where a dispute is submitted to the International Court of Justice pursuant to the provisions of the above paragraphs, both the proceedings before the municipal court and any measures of enforcement or protection pronounced or about to be pronounced shall be suspended pending the judgement of the said Court."

Bolivia

[Original: Spanish]

[10 June 1997]

Bolivia wishes to state that the contents of the draft articles on jurisdictional immunities of States conflict with neither the provisions of the Political Constitution of the State nor those of other norms of Bolivia's internal legal order.

Notes

¹ *Official Records of the General Assembly, Forty-sixth Session, Supplement No. 10 (A/46/10), chap. II.*

² *Ibid.*, part I, art. 2, commentary para. (11).

³ *Ibid.*, para. (17).

⁴ *Ibid.*, para. (18).

⁵ *Ibid.*, part IV, art. 18, commentary, para. (10).

⁶ A/C.6/48/L.4 and Corr.2, para. 78.

⁷ *Ibid.*, para. 86.

⁸ A/C.6/47/L.10, annex II.



General Assembly

Distr.: General
20 August 1997

Original: English

Fifty second session
Item 105 of the provisional agenda*
Crime prevention and criminal justice

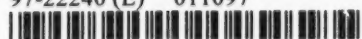
Progress made in the implementation of General Assembly resolution 51/63

Report of the Secretary-General

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* A/52/150 and Corr. 1.



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I. Introduction

1. The present report is submitted pursuant to General Assembly resolution 51/63 of 12 December 1996 on strengthening the United Nations Crime Prevention and Criminal Justice Programme, particularly its technical cooperation capacity.

II. Sixth session of the Commission on Crime Prevention and Criminal Justice and strategic management of the Programme

2. The sixth session of the Commission on Crime Prevention and Criminal Justice was held at Vienna from 28 April to 9 May 1997. It was attended by representatives of 39 of the 40 States members of the Commission, 64 other States, 45 intergovernmental and non-governmental organizations, and United Nations bodies, specialized agencies and affiliated regional and associated institutes.

3. The following questions received particular attention at the session: organized transnational crime in the context of the follow-up to the Naples Political Declaration and Global Action Plan; action against corruption; elimination of violence against women; international cooperation in criminal matters; technical cooperation and advisory services; and the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders. These and other questions taken up by the Commission are discussed in the present report.

4. Also considered at the session was the question of strategic management of the Programme by the Commission. During the inter-sessional period, the Bureau of the Commission played an active role in the strategic management of the Programme. The Bureau suggested streamlining the reporting procedures, limiting the number of requests for reports, exercising restraint on repetitive statements of principles or arguments and focusing on effective action requirements. The Bureau also recommended that the number of resolutions should be limited, by merging them to the extent possible, particularly through active consultations among delegations. In its resolution 6/1,¹ the Commission endorsed the recommendations of the Bureau with respect to the streamlining of its substantive agenda and organization of work, and requested the Chairman to convene an informal working group of its members to undertake a review of the

Programme mandates and resources, with a view to establishing a more realistic balance between them.

5. The Commission took note of the proposed programme of work in crime prevention and criminal justice for the biennium 1998-1999 (section 14 of the proposed programme budget); submitted comments to the United Nations bodies; and requested the Secretary-General to ensure the provision of sufficient resources for the implementation of Programme activities, including the redeployment of resources from savings in the cost of administration and conference services.

6. Many delegations called for the continued strengthening of the Programme, particularly its technical cooperation capacity. A few countries, namely, Austria, Bahrain, Finland, Japan, Kuwait, Lebanon and Saudi Arabia, in response to a note verbale from the Secretary-General, stated that they consistently aimed at strengthening the Programme, and thus helped to give effect to the recommendations contained in General Assembly resolution 51/63, by strengthening international cooperation, contributing to the development of the strategic management of the Programme, supporting the Programme Network, contributing to various projects of the Programme and sending associate experts and consultants to the Crime Prevention and Criminal Justice Division of the Secretariat.

III. Technical cooperation

7. The past year has witnessed a major expansion of the operational capacity of the Programme. In addition to short-term advisory missions, needs assessments and joint initiatives such as training, over 20 comprehensive technical assistance projects have been formulated and await financing. There has been a quantum leap in terms of the capacity to develop and execute projects. In addition to the two interregional advisers, an experienced senior technical cooperation officer has recently joined the Programme. Contributions in kind have included two senior police officers provided by the Government of France, a judge provided by the Government of Austria, an expert on prison administration from the Government of the United Kingdom of Great Britain and Northern Ireland, and qualified associate experts from a number of countries. This has increased the Programme's capability to render technical assistance so as to upgrade national crime prevention and criminal justice services and strengthen their capacity to deal with crime.

8. The Division's work has thus become driven by the needs expressed by Member States, with a strong emphasis on development strategies focusing on common areas of concern, such as measures against bribery and corruption in South America. The new emphasis on public security recognizes the need for an appropriate legal framework for economic and social development. It views crime prevention and criminal justice as an essential government service whose provision is a public priority. At the same time, increasing decentralization and the reinforcement of local government and civil society is part of the quest for good governance and democratization and public participation in them. Through its increased capacity for service delivery, the Programme can assist countries in fulfilling these multiple objectives, given the means to do so. The inclusion of these concerns in country programmes and in the technical assistance agendas of donor States should help to expedite the process and achieve tangible results.

9. The Division has responded to an increasing number of requests for technical assistance received from Member States. The report of the Secretary-General on technical cooperation and coordination of activities² submitted to the Commission on Crime Prevention and Criminal Justice at its sixth session, provided an updated overview of the wide range of activities undertaken, such as training courses, seminars and workshops, fellowships, needs assessment missions, advisory services, and project formulation and implementation.

10. Technical cooperation is one of the principal means for the creation of conditions permitting States and the international community as a whole to fight crime. Its present operational capacity allows the Programme to assess existing crime situations, to formulate and to help implement projects, to evaluate the results and to provide some urgent general assistance to requesting countries. However, it must be noted that, despite the increased attention and resources devoted by the United Nations to technical assistance in the area of crime prevention and criminal justice, the Programme still lacks the operational capacity for the full implementation of the proposed projects. The Commission at its sixth session therefore called upon donor countries and international funding agencies to make significant and regular financial and/or other contributions for the formulation, coordination and implementation of technical assistance projects elaborated within the framework of the United Nations Crime Prevention and Criminal Justice Programme.

A. Advisory services

11. The Division has been undertaking a steadily increasing number of technical assistance missions, which were carried out by the two interregional advisers at the request of developing countries, countries with economies in transition and others recovering from conflicts. These missions consist of needs assessments, advisory services and other operational activities, which require proper follow-up in terms of project formulation and implementation.

12. The missions undertaken by the interregional advisers covered different aspects of crime prevention and criminal justice, such as needs assessment of criminal justice and correctional penitentiary systems in Albania, Angola, Brazil, Gabon, Guinea, Haiti, Kazakhstan and the former Yugoslav Republic of Macedonia (jointly with the United Nations International Drug Control Programme (UNDCP)); institution-building and strengthening of organized crime control capacity in the Gambia, Romania (jointly with UNDCP) and Togo; assessment of the conditions in the correctional system and training for the personnel of the correctional services for juvenile offenders, as well as preparations for the regional ministerial workshop on organized crime, held at Dakar, as a follow-up to the World Ministerial Conference on Organized Transnational Crime. There was also a mission focusing on juvenile justice, transborder crime including trafficking, reform of the police and improvement of the system of correctional services in South Africa; and a mission on measures to prevent and fight organized crime, and assessment of the correctional services in Argentina.

13. Two projects aimed at strengthening the new structures for the administration of justice in the Federation of Bosnia and Herzegovina and the Republika Srpska have been funded, by the United Nations Development Programme (UNDP) and Japan, and are being implemented. They were developed jointly with the Reconstruction and Development Support Unit of the Department for Development Support and Management Services. For the first time, a long-term resident adviser has been fielded from the Division to coordinate project implementation. The Government of Japan has also provided the funding for a United Nations Volunteer to assist with project execution in the Republika Srpska. A project to prepare a master plan to rehabilitate the criminal justice system in Albania has been approved by the Ministry of Justice and UNDP and is ready to be implemented.

B. Training

14. During the reporting period, the Division carried out a number of training activities, mostly in cooperation with other organizations. A seminar on organized transnational crime and drug trafficking for government officials from Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan, jointly organized with UNDCP and the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe (OSCE), was held at Bishkek (10-12 June 1996). In cooperation with the Republic of Korea, the Division organized an interregional training course at Seoul (9-13 September 1996) on computer information technologies in the management of the criminal justice system, for criminal justice officials from 20 Member States. On the basis of the results of a previous needs assessment mission to Kyrgyzstan, the Division, in cooperation with UNDP, organized a training workshop at Bishkek (11-15 November 1996) for trainers of correctional services from five Central Asian countries. Thanks to the funds provided by the Government of the Netherlands, implementation of the projects on assistance for judicial reform in the Russian Federation has been continued a seminar on computerization of the criminal justice system was organized in the Russian Federation (24-27 June 1997) by the European Institute for Crime Prevention and Control, affiliated with the United Nations (HEUNI), in cooperation with the Division.

C. Fellowships

15. The Division's fellowship programme in the field of crime prevention and criminal justice, for developing countries and countries with economies in transition, continued and applications from candidates were evaluated for their impending selection. Applications were received from 31 candidates from 17 countries.

D. Implementation of the United Nations Declaration on Crime and Public Security

16. The adoption by the General Assembly of the United Nations Declaration on Crime and Public Security on 12 December 1996 (resolution 51/60, annex) was brought to the attention of all Member States by means of a note verbale, to which replies have been forthcoming. The Division has made a systematic effort to gear its technical cooperation activities towards providing Member States, at their request,

with services that would enhance their capacity to implement the Declaration, as well as other instruments and guidelines of the Programme.

E. Publications

17. A special issue of the *United Nations Crime Prevention and Criminal Justice Newsletter* (No. 28/29) on the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders has been published, and a special double issue on the community of non-governmental organizations working in the field of crime prevention and criminal justice has been prepared. For the first time, all the resolutions, reports, documents and publications pertaining to the United Nations Crime Prevention and Criminal Justice Programme have been published in the *International Review of Criminal Policy*, No. 47/48. A compendium of technical cooperation projects, entitled "Technical Assistance in Crime Prevention and Criminal Justice: Why, How and When?" has been issued, which also contains information provided by the informal consultative group on resource mobilization.

IV. Strengthening of Programme capacity and mobilization of resources

18. It may be recalled that in the assessment of the United Nations operational activities in crime prevention and criminal justice, made on the fiftieth anniversary of the Organization, the unrealized potential of technical cooperation in this field was stressed, as was the need for the recognition of its important contribution to sustainable development, good governance and the transition to democracy. A number of recent country programmes and United Nations reports have stressed the crucial need for a proper legal framework and functional criminal justice system in ensuring the rule of law, national stability and constructive change. The disastrous effect of violent strife, lawlessness and lacking or malfunctioning public institutions has been highlighted by the fate of several countries. In others, escalating criminality, especially organized crime, has exceeded the existing capacity to contain it and undermined the process of socio-economic reform. Clearly, closer attention must be paid to this aspect at both the national and the international (including regional and subregional) levels, or the damage may be irreversible.

19. From the plethora of requests for assistance received, it seems that this danger is increasingly becoming real. While there is mounting awareness of the true cost of crime, and an interest in strengthening the capacity to curtail it, the possibilities for actual service delivery still lag behind because of the financial constraints. The challenge now is to bridge this gap. The further sensitization of prospective donors, both international funding agencies and national Governments, is part and parcel of this task.

20. In the past year, Member States continued to stress the Programme's role in strengthening international cooperation in crime prevention and criminal justice, in responding to the needs deriving from both national and transnational criminality and in assisting Member States in their efforts to combat it. The General Assembly, in its resolution 51/63, reaffirmed the high priority attached to technical cooperation and advisory services in the field of crime prevention and criminal justice, and stressed the need to continue to improve the operational activities of the Programme, in particular in developing countries and countries in transition, in order to meet the needs of Member States, at their request, for support in crime prevention and criminal justice. The Assembly called upon States, the United Nations system and other international, regional and national funding agencies to make significant financial contributions for the operational activities of the Programme, and encouraged all States to make voluntary contributions for this purpose to the United Nations Crime Prevention and Criminal Justice Fund.

21. The Commission on Crime Prevention and Criminal Justice, in its resolution 5/3,³ decided to exercise more vigorously its mandated function of resource mobilization and, for that purpose, to establish an informal consultative group, which would report annually on activities undertaken and results achieved. In its resolution 6/1, the Commission further decided that the informal consultative group should also serve as the mechanism for resource mobilization and coordination of activities in the area of technical assistance, envisaged in paragraph 15 of its resolution 5/2.

22. Further to the organizational meeting held on 5 July 1996, referred to in the last report of the Secretary-General (A/51/327, para. 84), the informal consultative group met on 28 October, 4 November and 10 December 1996. On the basis of a set of background documents and a compendium of summarized project proposals, the group stressed the importance of crime prevention and criminal justice in development and the pervasive needs in this field. It analysed the role of the Crime Prevention and Criminal Justice Programme, its potential and comparative advantages. After considering international and national

policies and practices related to the funding of development assistance, the group recommended specific modalities of resource mobilization for the Programme, and agreed on the need for Commission members to take a more active role therein. The group discussed a number of additional proposals, the full text of which is contained in the report of its Chairman on activities undertaken and results achieved.⁴

23. In its resolution 1997/35, adopted on the recommendation of the Commission, the Economic and Social Council welcomed the work done by the informal consultative group on resource mobilization. In its resolution 6/1, the Commission, *inter alia*, took note of the report of the Chairman of the informal consultative group.⁴ It called upon Member States to review the projects contained in the compendium of technical cooperation projects submitted by the group with a view to providing for their funding, and, where possible, to contribute to the United Nations Crime Prevention and Criminal Justice Fund to cover the cost of two Professional staff members, consultants and other support required for developing and administering the technical cooperation component of the Programme and to develop essential training tools. The Crime Prevention and Criminal Justice Division was requested to continue its resource mobilization efforts, taking into account the recommendations and requests contained in the report of the Chairman of the group.

V. United Nations Crime Prevention and Criminal Justice Fund

24. The United Nations Crime Prevention and Criminal Justice Fund was established in 1967, pursuant to Economic and Social Council resolution 1086 (XXXIX) of 30 July 1965. It is included in the annual United Nations Pledging Conference for Development Activities in pursuance of General Assembly decision 34/440 of 17 December 1979. The Fund has continued to be an important tool in enlisting the support of Member States for technical cooperation activities that cannot be financed by the regular budget of the United Nations, but its assets are limited, as is the number of contributors to it. The General Assembly, in its resolution 51/63, called upon States and United Nations funding agencies to make significant financial contributions for operational activities of the Programme, and encouraged all States to make voluntary contributions for that purpose to the Fund.

25. The activities financed through contributions to the Fund include a firearm regulation project; a study on extradition; a project for the Federation of Bosnia and

Herzegovina and the Republika Srpska; a training workshop in Kyrgyzstan; a training seminar on juvenile justice in Burkina Faso; advisory services to Romania; elaboration of the global report on crime and justice; reprinting of the *Compendium of United Nations Standards and Norms in Crime Prevention and Criminal Justice*; other documents, such as "Technical Assistance in Crime Prevention and Criminal Justice: Why, How and When?"; and the input of consultants to project formulation, implementation and assessment and advisory services, which have been designed to strengthen the technical cooperation capacity of the Programme.

26. Donations to the Fund can be made either as a general contribution to serve overall assistance needs or as earmarked funds for specific projects or other Programme activities. So far, in the biennium 1996-1997 the following contributions⁵ have been made to the Fund: Italy, \$334,000;⁶ United States of America, \$225,000;⁷ Japan, \$200,000;⁸ France, \$100,000;⁹ Asia Crime Prevention Foundation, \$50,000;¹⁰ Turkey, \$35,000; and amounts under \$25,000 from Brazil, Cambodia, Chile, China, Cuba, India, Malta, Morocco, Panama, the Philippines, the Republic of Korea, Slovenia, Thailand and Tunisia.

VI. Cooperation and coordination of activities

27. In its resolution 51/63, the General Assembly requested the Secretary-General to continue to strengthen the cooperation between the Division and UNDCP, and to take all necessary measures to assist the Commission on Crime Prevention and Criminal Justice, as the principal policy-making body in the field, in performing its activities, including cooperation and coordination with other relevant bodies, such as the Commission on Narcotic Drugs, the Commission on Human Rights and the Commission on the Status of Women.

28. The Secretary-General submitted a report on the activities of the institutes comprising the United Nations Crime Prevention and Criminal Justice Programme network¹¹ to the Commission at its sixth session. The Secretary-General also highlighted the collaborative efforts of the Division, in particular with UNDP and UNDCP, in his report on technical cooperation and coordination of activities.¹²

29. In October 1996, a joint technical cooperation project entitled "Global programme against money-laundering" was approved. It is being executed jointly by UNDCP and the

Division. The project, which is expected to last three years, also foresees close collaboration with other organizations active in the field, such as the Financial Action Task Force on Money-Laundering, the Commonwealth Secretariat, the International Criminal Police Organization (Interpol) and the Customs Cooperation Council. The Division also provided inputs for several UNDCP documents, projects and other initiatives. A number of technical assistance projects elaborated by the Division have benefited from the expertise of UNDCP and envisage the involvement of that Programme in their implementation.

30. Over the last few years, a particularly significant partnership has been forged with UNDP, which has increased its cooperation with the Division. A further expansion of the cooperation can be foreseen in the light of the development of the UNDP governance programme. The recent focus of UNDP on the rule of law, the development of the judiciary, the promotion of human rights and democratic institution-building as a whole is resulting in an increased demand for the type of expertise that the Crime Prevention and Criminal Justice Programme can offer. UNDP has a great interest in cooperating with the Programme and trusts that it will have the professional resources necessary for an expansion of cooperation. Further to an exchange of letters between the Administrator of UNDP and the Director-General of the United Nations Office At Vienna, a memorandum of understanding was signed between the UNDP Regional Bureau for Europe and the Commonwealth of Independent States, which provides, *inter alia*, for joint needs assessment missions and joint fund-raising for projects and activities in the area of crime prevention and criminal justice. The Division cooperated with UNDP in connection with needs assessment and project formulation carried out in Azerbaijan, Kazakhstan, Romania and Uzbekistan, as well as participating in a number of joint missions and seminars. A recent example of activities undertaken in cooperation with UNDP is a project in Kyrgyzstan aimed at supporting the development of a ministerial department responsible for fighting organized crime, drug trafficking and corruption. The Division is also acting as a cooperating agency for a United Nations Office for Project Services/UNDP preparatory assistance project covering all aspects of criminal justice in South Africa, and a second project there focusing specifically on domestic violence.

31. The fight against corruption is an area where cooperation with the Department for Development Support and Management Services has been particularly fruitful. The Division has also worked closely with that Department in the development of the project to strengthen the

administration of justice in Bosnia and Herzegovina, and in other post-conflict situations.

32. Efforts to strengthen cooperation with the Centre for Human Rights included the participation as a resource person of one of the interregional advisers in a training seminar organized by the Centre at Ulaanbaatar, and the attendance by a representative of the Centre at the sixth session of the Commission on Crime Prevention and Criminal Justice.

33. In implementing the United Nations international study on firearm regulation (see also sect. VII.D below), the Division cooperated with the World Health Organization, the Centre for Disarmament Affairs of the Secretariat and the United Nations Institute for Disarmament Research. Several of the institutes of the Programme network also contributed to the study. The United Nations Children's Fund (UNICEF) invited the Division to participate in its training seminars, and to consult with UNICEF programme managers on the possible inclusion of components for assistance in the area of juvenile justice in UNICEF country projects.

34. The United Nations Crime Prevention and Criminal Justice Programme network continued to contribute to various Programme activities all over the world. The eleventh coordination meeting of the network was convened by the Division at Courmayeur, Italy, in October 1996, at the invitation of the International Scientific and Professional Advisory Council (ISPAC) and the United Nations Interregional Crime and Justice Research Institute.

35. A number of other joint initiatives were taken in the effort to expand partnerships and the networking process. Following the annual coordination meeting, and the conference of its members, ISPAC convened, in cooperation with the Italian Ministries of Justice and Interior and the Division, an International Conference on Migration and Crime: Global Problems and Responses (Courmayeur, 4-6 October 1996). In considering this question, emphasis was placed on crimes against, and the exploitation of, migrants. The Centro Nazionale di Prevenzione e Difesa Sociale, as the secretariat of the International Society of Social Defence, a member of ISPAC, organized the thirteenth International Congress of Social Defence, at Lecce, Italy, from 28 to 30 November 1996, in cooperation with the Division and the Centro Studi Giuridici "Michele de Pietro", under the auspices of the Ministry of Justice of Italy. The theme of the Congress was "Social defence, corruption and the protection of public administration and the independence of the judiciary". The Congress adopted a series of practical

recommendations designed to reduce the likelihood of corruption in different contexts.

36. Another ISPAC member, the Asia Crime Prevention Foundation, convened several joint workshops to help implement the recommendations of the Ninth Congress and of its Fifth World Conference (Seoul, October 1996) at the regional level, and as input for its Sixth World Conference (Tokyo, 28-31 October 1997). The Sixth Conference is to be preceded by an Asian prosecutors' meeting, convened in cooperation with the International Association of Prosecutors. The Foundation's workshops dealt with urgent Asian problems, such as drug trafficking and the need for simplified and more effective extradition proceedings (Kuala Lumpur, 27-30 May 1997), and the role of criminal justice in environmental protection (Jakarta, 29 June-1 July 1997).

37. Ongoing contacts were maintained by exchanging information on issues of mutual concern and on the funding of specific projects, with a large number of intergovernmental and non-governmental organizations, including OSCE, the Council of Europe, the European Commission, the Agency for Cultural and Technical Cooperation and Interpol.

38. Non-governmental organizations, in particular the Vienna and New York chapters of the Alliance of Non-governmental Organizations in Crime Prevention and Criminal Justice, and other entities continued to contribute significantly to the work of the Programme through various means, including the organization of expert meetings and seminars, for example on training using the Correctional Training Manual developed by ISPAC, the exchange of information and the development of training material and other publications.

VII. Programme activities

A. Implementation of the recommendations of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders and preparations for the Tenth Congress

39. The General Assembly, in its resolution 50/145 of 21 December 1995, endorsed the resolutions and recommendations of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders and invited Governments to be guided by them in formulating legislation and policy directives. The activities of the United Nations Crime Prevention and Criminal Justice Programme

described in the present report were carried out in pursuance of the recommendations of the Congress.

40. In response to the notes verbales sent by the Secretary-General requesting information on the initial steps taken to give effect to the resolutions of the Congress, information on general and specific initiatives, together with views and observations, have thus far been received from Austria, Bahrain, Brunei Darussalam, Greece, the Holy See, Japan, Jordan, Panama and Saudi Arabia. The respondents indicated that they were already implementing, or planning to implement, the various recommendations of the Congress.

41. The Tenth Congress will be held in the year 2000. In his last report (A/51/327), the Secretary-General gave a brief account of the action taken to initiate the preparations for the Tenth Congress. In pursuance of resolution 5/1 of the Commission on Crime Prevention and Criminal Justice, the views of Governments, United Nations agencies and programmes and other relevant intergovernmental and non-governmental organizations and institutions were sought on the theme, agenda items, workshop topics and possible venue of the Congress. The feedback received demonstrates the interest in and commitment of the international community to continuing to use the United Nations congresses as global events and worldwide forums for sharing experiences and know-how, aimed at influencing national policies, mobilizing public opinion, recommending lines of action at all levels and focusing attention on major issues of concern to Member States and the professional and scientific constituency. The report of the Secretary-General on the preparations for the Tenth Congress,¹³ which was examined by the Commission at its sixth session, reflects the views and proposals submitted by Governments and various entities on the subject.

42. In its consideration of the preparations for the Tenth Congress, the Commission assessed the experience gained from the arrangements made for the Ninth Congress, and expressed broad support for the format followed then. It was of the view that the Tenth Congress would be a landmark event at the dawn of the twenty-first century, representing one further step towards achieving safety and security for all citizens. The Congress should be practical, rather than theoretical, and specific rather than general. It should provide political directions to the Commission and act as a catalyst, not only in taking stock of new developments, but also in facilitating the exchange of information and sharing of experience, as well as the formulation and coordination of crime prevention and criminal justice strategies. Organizational aspects, such as the relationship between the Commission and the congresses, the status of the workshops

and the consideration of draft resolutions required particular attention.

43. At the end of its deliberations on this question, the Commission agreed on four substantive topics that could be included in the provisional agenda of the Tenth Congress, namely, (a) promoting the rule of law and strengthening criminal justice systems; (b) international cooperation in combating transnational crime: new challenges in the twenty-first century; (c) effective crime prevention: keeping pace with new developments; and (d) offenders and victims: accountability and fairness in the justice process. The Commission also agreed on the following topics for the workshops: (a) combating corruption; (b) crimes related to the computer network; (c) community involvement in crime prevention; and (d) women in the criminal justice system. The various recommendations made by the Commission on this and on other matters are reflected in the draft resolution on the preparations for the Tenth Congress recommended by the Economic and Social Council to the General Assembly for adoption at its fifty-second session (see Council resolution 1997/23).

44. It should be noted that, as in the past, no separate secretariat for the Congress preparations will be created. Rather, the Crime Prevention and Criminal Justice Division will serve as the main secretariat responsible for the organizational and substantive preparation of the Congress. The necessary resources will be provided within the overall appropriations of the programme budget for the bienniums 1998-1999 and 2000-2001, covering the various requirements, including the organization of regional preparatory meetings, the participation of the least developed countries in those meetings and in the Congress itself, and the implementation of appropriate public information programmes. In the case of the Ninth Congress, some Governments provided support and assistance to the Secretariat in cash or in kind. Given the present financial situation of the Organization, interested Governments are encouraged to do the same, so that the task of preparing for the Congress can be discharged adequately.

45. It is expected that the Commission, at its seventh session, will finalize the programme of the Congress and make its final recommendations, through the Economic and Social Council, to the General Assembly at its fifty-third session. In the course of the next few months, the Secretary-General will prepare specific suggestions for consideration by the Commission, including the results of the consultations on the hosting of the Congress. At its sixth session, the Commission welcomed the offer by the Government of South Africa to host the Tenth Congress. It also took note of a statement made by the representative of Austria, on

behalf of his Government, indicating that if consensus could be reached and questions of timing could be resolved, Austria would be honoured to host the Congress at Vienna.

B. International cooperation in combating transnational crime

1. Implementation of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime

46. The General Assembly approved the Naples Political Declaration and Global Action Plan against Organized Transnational Crime in its resolution 49/159 of 23 December 1994. In its resolution 51/63, the Assembly requested the Secretary-General to further strengthen the United Nations Crime Prevention and Criminal Justice Programme by providing it with the resources necessary for the implementation of its mandate, including follow-up action to the Naples Political Declaration and Global Action Plan. The Commission on Crime Prevention and Criminal Justice at its fifth and sixth sessions reviewed the implementation of the Naples Political Declaration and Global Action Plan and recommended a number of steps to give effect to its various provisions, as reflected in Economic and Social Council resolution 1996/27.

47. The General Assembly, in its resolution 51/120 of 12 December 1996, took note of the draft United Nations framework convention against organized crime introduced by Poland (A/C.3/51/7, annex), and requested the Secretary-General to invite all States to submit their views on the question of the elaboration of an international convention against organized transnational crime, including, *inter alia*, their comments on the draft framework convention. The Assembly also requested the Commission to consider, as a matter of priority, the question of the elaboration of such a convention, taking into account the views of all States, with a view to finalizing its work on the question as soon as possible.

48. The process initiated by the World Ministerial Conference on Organized Transnational Crime has fostered an increasing worldwide awareness of the threat posed by organized crime and the measures necessary to help countries to deal effectively with that threat. The Crime Prevention and Criminal Justice Division initiated the development of a structured programme of activities intended to promote the full implementation of the Naples Political Declaration and Global Action Plan. It has continued to collect and analyse information provided by

Governments and relevant organizations. It has undertaken a number of practical activities whose aim is to assist countries in need, verify the status of international cooperation in the field, and strengthen the ability of national criminal justice systems to deal with new and sophisticated forms of crime.

49. In pursuance of General Assembly resolution 51/120, and for the purpose of assisting the Commission in implementing that resolution, the Division organized an informal meeting on the question of the elaboration of an international convention against organized transnational crime, which was held at Palermo, Italy, from 6 to 8 April 1997. The organization of the meeting was made possible through the generous support of the Giovanni and Francesca Falcone Foundation.

50. On the recommendation of the Commission and the Economic and Social Council (resolution 1997/22), the General Assembly has before it a draft resolution on the follow-up to the Naples Political Declaration and Global Action Plan, by which it would decide to establish an inter-sessional open-ended intergovernmental group of experts for the purpose of elaborating a preliminary draft of a comprehensive international convention against organized transnational crime, which would report to the Commission at its seventh session, and would welcome the generous offer of the Government of Poland to host a meeting of the group. The Assembly would also request the Secretary-General to continue his work on the central repository established pursuant to Economic and Social Council resolution 1996/27 and to assist States in collecting and systematizing data and other information on the occurrence, dimensions and patterns of organized transnational crime by designing and undertaking a comparative study on the situation of organized transnational crime in the world.

51. The Crime Prevention and Criminal Justice Division organized the second Regional Ministerial Workshop on the Follow-up to the Naples Political Declaration and Global Action Plan against Organized Transnational Crime and on Action against Corruption for the African Region. The Workshop was organized with the support of the Agency for Cultural and Technical Cooperation and was held at Dakar from 21 to 23 July 1997.

2. Extradition and mutual assistance in criminal matters

52. Pursuant to Economic and Social Council resolution 1995/27, the Crime Prevention and Criminal Justice Division organized a meeting of an intergovernmental expert group on extradition, at Siracusa, Italy, from 10 to 13 December

1996. The meeting was hosted by the International Institute of Higher Studies in Criminal Sciences and the International Association of Penal Law. The expert group examined ways and means of improving extradition procedures, as one of the primary modalities of international cooperation in penal matters and reviewed the Model Treaty on Extradition (General Assembly resolution 45/116, annex), making recommendations on desirable amendments and additions to its provisions.

53. On the recommendation of the Commission and the Economic and Social Council (resolution 1997/26), the General Assembly has before it a draft resolution on international cooperation in criminal matters, whereby the Assembly would request the Secretary-General to convene a meeting of an intergovernmental expert group to examine practical recommendations for the further development and promotion of mutual assistance in criminal matters. The Assembly would also decide that the Model Treaty on Extradition should be complemented by the provisions set forth in the annex to the draft resolution, and request the Secretary-General to elaborate, for submission to the Commission, model legislation to assist Member States in giving effect to the Model Treaty, in order to enhance effective cooperation between States. The Assembly would also invite States to consider specific measures in the context of the use and application of extradition treaties, and request the Secretary-General to develop appropriate training materials and provide advisory and technical cooperation services to Member States requesting assistance with regard to such treaties.

54. With the assistance of the International Institute of Higher Studies in Criminal Sciences, the Crime Prevention and Criminal Justice Division organized the first of a series of training courses for government officials concerned with extradition proceedings, in pursuance of Economic and Social Council resolution 1995/27 and the recommendations of the aforementioned intergovernmental expert group.

3. Trafficking in stolen motor vehicles

55. In section II of its resolution 1995/27, the Economic and Social Council requested the Commission to consider measures for the prevention and suppression of illicit trafficking in motor vehicles, and requested the Secretary-General to seek the views of Governments and relevant organizations on the matter.

56. The illicit trafficking in motor vehicles is a serious problem of international dimensions. Organized criminal groups are becoming increasingly involved in this activity because it generates high profits, while the gaps in

legislation and differing procedures of the various countries reduce the risks. In addition, insufficient cooperation among law enforcement agencies, lack of appropriate controls prior to the registration of a motor vehicle, corruption, legislative discrepancies with regard to the *bona fide* possession of motor vehicles in various regions of the world, a variety of registration practices and differences in the level of training of vehicle inspectors are generally indicated as factors facilitating the involvement of organized transnational crime in this profitable form of illicit trafficking.

57. With the generous support of the Government of the United States of America, the Crime Prevention and Criminal Justice Division, in cooperation with the Government of Poland, organized the International Conference on Theft of and Illicit Trafficking in Motor Vehicles, which was held at Warsaw on 2 and 3 December 1996. Furthermore, the European Institute for Crime Prevention and Control, affiliated with the United Nations, in cooperation with the Ministry of the Interior of the Russian Federation, undertook a survey of countries in Western and Eastern Europe on the theft of and illicit trafficking in motor vehicles, and organized a conference on the subject, which was held at Moscow from 28 February to 2 March 1997. The recommendations of the two conferences were brought to the attention of the Commission at its sixth session, together with the study elaborated by HEUNI on the basis of the survey.

58. In its resolution 1997/29, adopted on the recommendation of the Commission, the Economic and Social Council urged Member States to improve international cooperation in the prevention and control of the theft of and illicit trafficking in motor vehicles, and to conclude bilateral and/or multilateral agreements or arrangements on a simplified and effective procedure for recovering stolen vehicles, taking into account the Model Bilateral Treaty for the Return of Stolen or Embezzled Vehicles, annexed to the resolution, as well as the United Nations model treaties concerning international cooperation in criminal matters. The Council also urged Member States to take a number of other measures and requested the Secretary-General to elaborate a training manual for law enforcement and customs personnel on the prevention and control of trafficking in stolen and misappropriated vehicles, for use in the provision of practical assistance to requesting Member States, and a comprehensive training manual on vehicle identification; and also to develop and carry out training programmes and to provide advisory services to interested Member States.

4. Smuggling of illegal migrants

59. The General Assembly, in its resolution 51/62 of 12 December 1996, condemned the practice of smuggling aliens in violation of international and national law or other agreements between States and without regard for the safety, well-being and human rights of the migrants; urged States to take appropriate steps to frustrate the objectives and activities of smugglers of aliens by amending criminal laws, if necessary, to encompass the smuggling of aliens; and requested States to cooperate in order to prevent the illegal transport by smugglers of third-country nationals through their territory and to ensure that prompt and effective action was taken against the smuggling of aliens by sea.

60. In that resolution, the General Assembly also called upon Member States and the relevant specialized agencies and international organizations to take into account socio-economic factors and to cooperate at the bilateral and multilateral levels in addressing all aspects of the problem of the smuggling of aliens; and requested the Commission to consider giving attention to the question of the smuggling of aliens at its sixth session in order to encourage international cooperation to address the problem.

61. The report of the Secretary-General on measures to combat the smuggling of illegal migrants¹⁴ submitted to the Commission at its sixth session brought to its attention additional information provided by States regarding the measures envisaged or taken to combat this problem. Economic and Social Council resolution 1997/34, adopted on the recommendation of the Commission, on the implementation of the United Nations Declaration on Crime and Public Security, contains provisions which concern the smuggling of migrants and other forms of international trafficking across State borders.

5. The role of criminal law in the protection of the environment

62. The Economic and Social Council, in its resolution 1996/10, decided that the question of the role of criminal law in the protection of the environment should continue to be one of the priority issues of the Commission on Crime Prevention and Criminal Justice at its future sessions, and requested the Secretary-General to seek the views of Member States in order to determine the feasibility of establishing appropriate machinery for applying criminal law for the protection of the environment. In response to that resolution, the Secretary-General submitted to the Commission at its sixth session a report¹⁵ that contained a summary of the information received from Governments and other sources on the role of criminal law in the protection

of the environment, such as bilateral and multilateral agreements, developments in national legislation and initiatives for their enforcement, statistics on the extent of environmental crime and the feasibility of establishing appropriate machinery. The report concluded that, although criminal enforcement provided a critical opportunity to alter indifferent individual and corporate behaviour as it related to the pollution of the environment, it was still in its relative infancy in most countries. To combat crimes involving, in particular, illegal trafficking in hazardous and nuclear substances and endangered species, criminal law should be used as the primary remedy.

63. To assist interested States in upgrading their capabilities in this respect, technical cooperation projects were developed for the protection of the environment by means of the criminal law in the developing countries of the English-speaking Caribbean and the South Pacific, including the drafting and implementation of appropriate legislation, setting up of an institutional framework and a system for data distribution, and training of enforcement officials.

64. Relevant material and information were also collected for the preparation of a manual for practitioners, intended to serve as an effective and practical tool for law enforcement officers active in the field, in particular in countries in transition and developing countries which have just started to address this form of crime.

65. To ensure the receipt of comprehensive information on the role of criminal law in the protection of the environment, as well as to enhance the exchange of such information, a roster of experts was continuously updated and expanded, currently comprising 202 experts in 54 countries. The experts provide feedback regarding the role of criminal law in the protection of the environment and on the viability of technical assistance projects in their countries and regions.

66. A computerized database containing the information available to the Division on the issue of criminal law in the protection of the environment was set up and is being continuously updated.

C. Corruption and bribery

67. The General Assembly, in its resolution 51/59 of 12 December 1996, adopted the International Code of Conduct for Public Officials and recommended it to Member States as a tool to guide their efforts against corruption. In order to give effect to the various provisions of the Code, the Assembly requested the Secretary-General, in consultation

with States and relevant entities, to elaborate an implementation plan and submit it to the Commission on Crime Prevention and Criminal Justice at its sixth session. Furthermore, the General Assembly, by its resolution 51/191 of 16 December 1996, adopted the United Nations Declaration against Corruption and Bribery in International Commercial Transactions, and requested the Commission (a) to examine ways, including through legally binding international instruments, to further the implementation of the resolution and the Declaration, so as to promote the criminalization of corruption and bribery in international commercial transactions; (b) to keep the issue of corruption and bribery in international commercial transactions under regular review; and (c) to promote the effective implementation of the resolution.

68. The persistent and increasingly dangerous phenomenon of corruption, in all its forms, has commanded such international attention and concern as to lead to an emerging consensus regarding the urgency of concerted action against it at all levels. The complex and often elusive nature of the phenomenon, as well as its increasingly evident and alarming links with other forms of crime, warrants focused attention, continuing commitment and unwavering political will. There are no facile solutions, particularly in view of the fact that addressing the phenomenon effectively in its numerous guises would require diverse modalities of action, necessitating parallel, multilevel and well-coordinated activities and interventions. International organizations are lending their help in the fight against corruption through aid for democratic reforms, more competitive economies and the improvement of governance. Despite these efforts, however, a more focused approach is needed, involving a systematic attack on corruption. To achieve success, the constituent elements of the process should be tackled at the same speed and with the same vigour at all levels. At the international level in particular, it is essential to enhance the momentum for advancing international agreements and cooperation arrangements, while devoting the necessary energy and resources to creating an environment in which corrupt practices will no longer be tolerated.

69. Pursuant to the above-mentioned legislative mandates, the Crime Prevention and Criminal Justice Division, with the generous support and hospitality of the Government of Argentina, organized an expert group meeting on action against corruption and bribery, which was held at Buenos Aires from 17 to 21 March 1997. The objectives of the meeting were to elaborate an action plan for the implementation of General Assembly resolution 51/59, including the International Code of Conduct for Public

Officials, and Economic and Social Council resolution 1995/14; to identify modalities of action for the implementation of Assembly resolution 51/191; to offer suggestions on the revision and expansion of the manual on practical measures against corruption; and to provide comments on a draft model law against corruption, prepared by the Division in cooperation with UNDCP. The conclusions and recommendations of the expert group meeting were brought to the attention of the Commission at its sixth session.¹⁶

70. On the recommendation of the Commission and the Economic and Social Council (resolution 1997/25), the General Assembly has before it a draft resolution on international cooperation against corruption and bribery in international commercial transactions, by which it would urge Member States to criminalize, in an effective and coordinated manner, the bribery of public office holders of other States in international commercial transactions, and encourage them to engage in programmatic activities to deter, prevent and combat bribery and corruption. The Assembly would request the Secretary-General to invite each Member State to provide a report on steps taken to implement the provisions of the United Nations Declaration against Corruption and Bribery in International Commercial Transactions, for compilation by the Secretary-General and consideration by the Commission, with a view to examining further steps to be taken for the full implementation of the Declaration.

D. Measures to regulate firearms

71. In pursuance of Economic and Social Council resolutions 1995/27, 1996/28 and 1997/28, the Division implemented the international study on firearm regulation, on the progress of which it reported to the Commission on Crime Prevention and Criminal Justice at its sixth session,¹⁷ including a summary of the results of the survey on firearm regulation, the first of its kind in terms of the comprehensive, transparent and neutral coverage of information obtained from nearly 50 selected countries.¹⁸

72. The survey was designed by a project team, composed of governmental and other experts, led by the project coordinator, representing the Government of Canada. Governmental experts represented Argentina, Australia, Brazil, China, Japan, the Philippines, the Russian Federation, Tunisia, the United States of America and Zambia; other experts represented the United Nations Interregional Crime and Justice Research Institute, the regional institutes and the International Centre for Criminal

Law Reform and Criminal Justice Policy. The project has been funded partly from extrabudgetary contributions, generously provided by the Governments of Australia, Canada and Japan, which has been the main financial donor.

73. The survey, the final results of which are to be published at the end of 1997, covered general information on the ownership and regulation of firearms, firearm possession and use, legal manufacture and trade of firearms, smuggling and other illegal dealings in firearms, statistics on the misuse of firearms, and recent policy initiatives of various States. Currently, the survey results are available in an electronic format on the Internet-based United Nations Crime and Justice Information Network at the following address: <http://www.ifs.univie.ac.at/~uncjin/firearms/>

74. Among the conclusions drawn from the survey, at the international level, are the following:¹⁹

(a) Efforts to regulate the importation and exportation of firearms, in most countries, are governed by trade and customs laws and agreements, not by specific agreements relating to firearms;

(b) Certain regional agreements were identified by responding States, but few States had entered into formal agreements on the regulation of firearms with other States, particularly at the bilateral level;

(c) Judging from the descriptive case study information provided by the respondents, there seems to be a need for enhanced international cooperation in the investigation and prosecution of offences involving the unlawful importation or exportation of firearms, particularly where the firearms have been transported across one or more countries between the time of their manufacture and their ultimate recovery by law enforcement officers.

75. At the time of writing, Member States are still providing replies to the ongoing survey. In the meantime, on the basis, *inter alia*, of the analysis of the available replies, the Division has been finalizing the preparations, including the draft agenda, for the four regional workshops on firearm regulation, to be held in the second half of 1997 in Europe, Africa, Asia and the Americas. Those workshops, organized in pursuance of the above-mentioned Economic and Social Council resolutions, will be open to Member States, interested intergovernmental and non-governmental organizations and the institutes of the United Nations Crime Prevention and Criminal Justice Programme network.

76. The results of the four workshops will be discussed in 1998 at an expert group meeting and, together with other results of the international study on firearm regulation, they will be further reviewed by the Commission at its seventh

session. As a final outcome of the four workshops, and the expert meeting, a manual on firearm regulation is to be issued in the second half of 1998.

E. Computerization of criminal justice operations and the development, analysis and policy use of crime and criminal justice information

77. With regard to criminal justice information systems, the Economic and Social Council, in its resolution 1996/11, urged Member States to assist the Secretary-General in the establishment of an advisory steering group, to be administered by the Secretary-General in close coordination with the institutes comprising the United Nations Crime Prevention and Criminal Justice Programme network, including assistance from the administration of the United Nations Crime and Justice Information Network and the United Nations On-line Crime and Justice Clearing House. A standing pool of experts was also to be identified.

78. In addition, the Council requested the Secretary-General to conduct a survey of national capacities for the collection of crime statistics, as a supplement to the Fifth United Nations Survey of Crime Trends and the Operations of Criminal Justice Systems (1990-1994).

79. The Commission on Crime Prevention and Criminal Justice, at its sixth session, had before it the report of the Secretary-General on international cooperation and assistance in the management of the criminal justice system, the computerization of criminal justice operations and the development, analysis and policy use of crime and criminal justice information.²⁰ The report reviewed the status of the Fifth Survey, the global report on crime and justice, the European and North American regional analysis of the Fifth Survey, carried out by HEUNI, the results of the survey on national capacities for the collection of crime statistics, and various computerization projects related to the United Nations Crime and Justice Information Network and the United Nations On-line Crime and Justice Information Clearing House.

80. The report also included an account of the training course entitled "United Nations Crime and Justice Information Network: providing information to and from developing countries" held at Seoul from 9 to 13 September 1996. The proceedings will be published as a resource book for possible similar courses in the future.

81. In addition, the Commission had before it a report on the results of the Expert Group Meeting on Criminal Justice

Management and Information Projects: Improving National and International Data Collection and Exchange, held at Buenos Aires from 10 to 13 March 1997.²¹ The Meeting addressed five main issues: the progress of work on the implementation of the Fifth Survey; the results of the United Nations transnational crime survey; the establishment of an advisory steering group and a standing pool of experts for the practical implementation of technical cooperation activities; the results of the survey of national capacities for the collection of data on crime prevention and criminal justice; and the guide on the development and analysis of criminal justice statistics, including the question of transnational crime.

82. The Secretariat continued to expand the operations of the United Nations Crime and Justice Information Network which now includes the documents submitted to the Commission at its fifth and sixth sessions, the *Compendium of United Nations Standards and Norms in Crime Prevention and Criminal Justice*, several substantive databases, including a database on extradition and mutual legal assistance, as well as country reports on the use and application of the Code of Conduct for Law Enforcement Officials, including the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. The Division continued to coordinate, with UNDCP, the expansion of the anti-money-laundering database.

83. In its resolution 1997/27, adopted on the recommendation of the Commission, the Economic and Social Council welcomed the offer of the Governments of Argentina and the Netherlands to support the work of the advisory steering group by hosting regional and/or interregional meetings. It is anticipated that the advisory steering group will help to streamline the data collection efforts of the Secretary-General in this field. The Council also welcomed the offer of the Government of Canada to assist the Secretariat in the preparation of the guide on the development and analysis of criminal justice statistics.

F. Elimination of violence against women

84. In its resolution 1996/12, the Economic and Social Council took note of the revised document produced by the Commission on Crime Prevention and Criminal Justice at its fifth session, entitled "Practical measures, strategies and activities in the field of crime prevention and criminal justice for the elimination of violence against women". The Council requested the Secretary-General to seek the views of Member States, the institutes comprising the United Nations Crime Prevention and Criminal Justice Programme network,

the relevant United Nations and other organizations on the draft practical measures, strategies and activities in the field of crime prevention and criminal justice for the elimination of violence against women, and to report thereon to the Commission at its sixth session, as well as on the views received, so that the subject might be discussed by the in-session working group of the Commission.

85. The Commission, at its sixth session, had before it a report of the Secretary-General²² summarizing the results of the consultations held and containing the new text of the draft practical measures, strategies and activities, as revised on the basis of the views received.

86. The Commission also considered, in its in-session working group, and then recommended for adoption by the General Assembly, through the Economic and Social Council (Council resolution 1997/24), a draft resolution containing the Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice, by which the Assembly would adopt the Model Strategies and Practical Measures, and request the Secretary-General to ensure their wide dissemination, with a view to promoting their use, to transmit them to the relevant United Nations bodies and organizations, such as the Commission on the Status of Women, the Committee on the Elimination of Discrimination against Women, the Commission on Human Rights and the Special Rapporteur on violence against women, and to report to the General Assembly at its fifty-fourth session, through the Council, on the implementation of the resolution. It would also invite the Council to consider including the issue of violence against women at the high-level segments of one of its forthcoming sessions, in the context of its discussion of the human rights of women.

87. The Model Strategies and Practical Measures aim to provide States with a guide for the upgrading of their "fair treatment" response to gender-directed violence, exploitation and abuse perpetrated against women and girl children. It would promote gender equality within criminal justice administration and foster gender mainstreaming in the crime prevention and criminal justice field.

G. Measures to prevent illicit trafficking in children

88. The Economic and Social Council, in its resolution 1996/26, requested the Secretary-General to continue to gather the opinions of Governments on the elaboration of an international convention or conventions on the illicit traffic

in children, and their suggestions on possible elements to be included in the text of a future binding instrument or instruments on that subject. The Secretary-General conducted a survey, on the basis of existing international conventions, analysing the extent to which children are protected from becoming victims of illicit international trafficking, taking into account both the substantive and procedural aspects of providing such protection. The survey revealed that while stated obligations and recommended measures on questions related to the trafficking and sale of children were to be found in a wide range of instruments, the fact that they were drawn up at different times over a long period made them ineffective as a body of law on these issues. Except for the Convention on the Rights of the Child, international public law instruments dealing in any significant way with trafficking and sale of children did not include treaty bodies to oversee compliance.

89. Under the draft resolution before the General Assembly on the follow-up to the Naples Political Declaration and Global Action Plan against Organized Transnational Crime (see para. 50 above), the Assembly would establish an intergovernmental group of experts for the purpose of elaborating a preliminary draft of a comprehensive international convention against organized transnational crime and requested it to consider the need for special provisions related to specific types of crime, such as trafficking in children.

H. Use and application of United Nations standards and norms in crime prevention and criminal justice

90. In section III of its resolution 1993/34 the Economic and Social Council requested the Secretary-General to commence a process of information-gathering to be undertaken by means of surveys, such as reporting systems, and contributions from other sources. In accordance, further with Council resolution 1995/13, the Secretary-General submitted to the Commission on Crime Prevention and Criminal Justice at its fifth session four surveys on the use and application of the following instruments: the Standard Minimum Rules for the Treatment of Prisoners; the Code of Conduct for Law Enforcement Officials, including the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials; the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power; and the Basic Principles on the Independence of the Judiciary.²³ Those surveys provided for the first time some quantitative and qualitative data on major trends in the application of

those standards, with suggestions for appropriate follow-up activities.

91. In its resolution 1996/16, the Economic and Social Council urged Governments that had not yet replied to the questionnaires on the four standards to do so. Member States reacted positively to this recommendation of the Council, providing additional detailed information, and identifying both achievements and shortcomings.

92. In pursuance of that resolution, the Secretariat started to fulfil its mandate to widely disseminate, via the World Wide Web database facility of the United Nations Crime and Justice Information Network, the relevant United Nations instruments, as well as the reports of the Secretary-General on the use and application of those United Nations standards and norms.²³

93. In accordance with paragraph 9 of Economic and Social Council resolution 1996/16, and in response to requests by Member States, the Division organized, coordinated and implemented a number of technical cooperation projects focusing on the training of law enforcement officials, judges, prosecutors, prison officers and social workers. Through those training activities, the Division promoted the use and application of the United Nations standards and norms.

94. In pursuance of Economic and Social Council resolutions 1995/13 and 1996/16, additional copies of the *Compendium of United Nations Standards and Norms in Crime Prevention and Criminal Justice* were published in Arabic (100 copies), English (500), French (150), Russian (100) and Spanish (400). As a follow-up to the publication of the Portuguese version of the *Compendium*, the Government of Portugal ensured the distribution of a total of 5,000 copies in Portuguese. Further, the Government of India reprinted the *Compendium* in English for wide circulation in its criminal justice system, particularly in training institutions.

95. In its resolution 1997/32, adopted on the recommendation of the Commission, the Economic and Social Council recommended that the relevant national authorities should promote the use and application of United Nations standards and norms; invited Governments that had not replied to the questionnaires on the four standards in crime prevention and criminal justice to submit their replies in order to enable the Secretariat to summarize that information and to disseminate it via the World Wide Web database facility of the United Nations Crime and Justice Information Network; and invited them to promote and disseminate the *Compendium* in the languages of their countries. The Council also called upon Member States to

consider making available funds for technical cooperation activities aimed at promoting the further use and application of United Nations standards and norms in crime prevention and criminal justice.

96. The Economic and Social Council also requested the Secretariat to prepare the relevant survey instruments on the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules), the Guidelines on the Role of Prosecutors and the Basic Principles on the Role of Lawyers for submission to the Commission at its seventh session.

97. In its resolution 1997/33, the Commission adopted on the recommendation of the Commission and entitled "Elements of responsible crime prevention: standards and norms", the Economic and Social Council, *inter alia*, considered that an international effort was necessary to develop an effective strategy, and took note of the preliminary draft of elements of the standards and norms annexed to the resolution. It requested the Secretary-General to seek the comments of Member States and relevant intergovernmental and non-governmental organizations, as well as the institutes, on the annex to the resolution, including the advisability of elaborating such an instrument. The Council also requested the Secretary-General to organize, drawing upon extrabudgetary funds, an ad hoc expert group meeting to examine the comments and to elaborate proposals for further action, and to report thereon to the Commission.

1. Administration of juvenile justice

98. In pursuance of Economic and Social Council resolution 1996/13, the Secretariat organized, in cooperation with the Government of Austria, an expert group meeting on the elaboration of a programme of action on juveniles in the criminal justice system (Vienna, 23-25 February 1997). In addition, the Secretary-General invited Governments to submit to the Secretariat their contributions to the elaboration of a programme of action and, in particular, to identify areas to be addressed in more detail, and to provide the Secretary-General with any relevant information in the area of juvenile justice. In that resolution, the Council requested the Secretary-General to report to the Commission at its sixth session, and decided that the Commission, at that session, should consider the draft programme of action on juvenile justice.

99. By its resolution 1997/30, adopted on the recommendation of the Commission, the Economic and Social Council welcomed the Guidelines for Action on Children in the Criminal Justice System, annexed to the resolution. The Guidelines, which were elaborated by the

expert group meeting and amended by the Commission, provide practical suggestions on how to address this question by means of, *inter alia*, legislative action, research and evaluation, technical cooperation, training and the exchange of information. They also provide for the necessary mechanism to follow up on the recommendations made by the Committee on the Rights of the Child to States parties to the Convention on the Rights of the Child to seek assistance from United Nations bodies in the area of juvenile justice, in order to fully meet their obligations under the Convention.

100. The Council also encouraged Member States to make use of technical assistance offered by United Nations programmes, so as to strengthen national capacities and infrastructures in the field of juvenile justice. While calling upon Member States to contribute financial and other resources to project activities designed to assist in the use of the Guidelines for Action, the Council invited the Secretary-General to strengthen system-wide coordination of activities in the field of juvenile justice, and to consider establishing a coordination panel with a view to further coordinating international activities. The Council also invited the Secretary-General, taking into account the advice of any such panel, to undertake, in cooperation with interested Governments, needs assessment missions on the basis of recommendations made by the Committee on the Rights of the Child, with a view to reforming or improving juvenile justice systems; and further requested him to report to the Commission on the implementation of the resolution on a biennial basis.

2. Basic Principles of Justice for Victims of Crime and Abuse of Power

101. In its resolution 1996/14, the Economic and Social Council recognized the desirability of preparing a draft manual or manuals on the use and application of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power. It recommended that the work should be undertaken by expert group meetings in cooperation with the institutes comprising the United Nations Crime Prevention and Criminal Justice Programme network, the World Society of Victimology and other entities, and with the support of the Secretary-General.

102. An Expert Group Meeting on Victims of Crime and Abuse of Power in the International Setting, sponsored by the Office for Victims of Crime of the Department of Justice of the United States of America, was held at Tulsa, United States of America, from 10 to 12 August 1996, in connection with the annual conference of the National Organization for

Victim Assistance. The experts prepared a first version of the manual on the use and application of the Declaration of Basic Principles. At an informal meeting of some of the experts, who were attending the annual conference of the members of the International Scientific and Professional Advisory Council, at Courmayeur, Italy, in October 1996, an agreement was reached that a short version of the draft text would be prepared as a manual, and a longer version as a handbook on the use and application of the Declaration. The main purpose of both the manual and the handbook is to serve as a reference source providing guidance in implementing victim service programmes and developing victim-sensitive policies, protocols and procedures. The short version would be designed especially for policy makers, and the longer version would be directed particularly at practitioners, concerned organizations and individuals.

103. In order to elaborate the texts of the manual and the handbook, another Expert Group Meeting on Victims of Crime and Abuse of Power in the International Setting was organized by the Ministry of Justice of the Netherlands at The Hague from 5 to 7 March 1997. A special session was also convened at the Tenth World Colloquium on Victimology (Amsterdam, 25-29 August 1997), with a view to further refining and supplementing the two existing texts.

104. In its resolution 1997/31, adopted on the recommendation of the Commission, the Economic and Social Council requested the Secretary-General to seek the views of Member States on the proposed manual and handbook and to finalize their texts for submission to the Commission at its seventh session. The Council also invited Governments to make proposals regarding the elaboration of a plan of action to promote the effective use and application of the Declaration; reiterated the importance of technical cooperation in this area, and invited Governments to provide information on promising practices and legislation concerning victim-related issues, with a view to establishing a database and a clearing house. It also welcomed the invitation of the Government of the United States of America to act as host to a fourth expert group meeting, in 1997, to complete the work on the proposed handbook.

3. Developing of United Nations minimum rules for the administration of criminal justice

105. In its decision 5/101,³ the Commission requested the Secretary-General: (a) to continue to solicit those Member States that had not yet replied to his notes regarding the advisability and specific content of the draft minimum rules for the administration of criminal justice and to evaluate

those replies; (b) to seek the views of all Member States, including those that had replied to the notes, on the basis of their review of the report of the Secretary-General, regarding (i) the utility of promulgating the draft minimum rules for the administration of criminal justice; (ii) the utility of convening an expert group to review the draft rules; and (iii) specific areas in which an expert group, if convened, should consider making changes to the draft rules; and (c) to report to the Commission at its sixth session concerning the replies received from Member States, and to include in the report a table summarizing the position of Member States with respect to the three questions enumerated above.

106. A number of Member States responded to a note verbale from the Secretary-General, requesting their views. The convening of a group of experts to review the draft minimum rules, giving particular attention to aspects of legal procedure and possible associated problems arising under different legal systems, was generally viewed as a desirable solution, especially if extrabudgetary funds could be made available for that purpose. A general trend towards promulgating common minimum rules for the administration of criminal justice (or criminal proceedings) seems to have emerged.

107. In its resolution 1997/32, adopted on the recommendation of the Commission, the Economic and Social Council requested the Secretary-General to convene a meeting of government experts in crime prevention and criminal justice, attending in their personal capacity, funded by extrabudgetary resources, to review the draft minimum rules for the administration of criminal justice, paying special attention to the following issues, without prejudice to the future work of the Commission: (a) whether those draft minimum rules duplicate or contradict existing conventions or standards and norms in crime prevention and criminal justice; (b) the necessity of elaborating such an instrument; and (c) the diversity of legal systems and practices in each Member State.

VIII. Concluding remarks

108. Crime prevention and criminal justice are core concerns in ensuring the rule of law, national stability, internal peace, sustainable development and socio-economic progress. The negative consequences of crime reach deep and far, bringing corruption, social conflict, destabilization and suffering of people worldwide. The costs of organized crime, in particular, and of violence, are immeasurable, undermining the social fabric, the quest for economic growth and the transition to democracy. Therefore, effective

mechanisms for crime prevention and a fair and humane criminal justice system must have a pivotal place in developing and developed countries alike. Together with the technological advances that bring people even closer together, the threat of crime continues to spread all over the globe and to transcend national frontiers. A major negative effect of globalization has been the globalization of crime. Moreover, as crime assumes dangerous new dimensions and forms, the financial crisis of the Organization has had a negative impact on the Programme's ability to meet the challenges ahead.

109. At its fifth session, the Commission on Crime Prevention and Criminal Justice made important inroads in several key areas. It laid down basic principles for the enhancement of international cooperation in the field of crime prevention and criminal justice. The General Assembly demonstrated its commitment to reinforcing the Commission's functions by stressing the need for further strengthening the Programme, particularly its operational activities. The Assembly also recognized explicitly the primary importance of the Commission in its function as the principal policy-making and coordinating body of the United Nations in crime prevention and criminal justice. At its sixth session, the Commission has sought to chart new ground and to develop more effective global responses to this most serious and dangerous global problem of crime.

110. An increasing number of countries have shown a solid interest in, and commitment to, strengthening the capacity of the Programme for technical cooperation and assistance. As a result, several successful projects are currently being implemented. The positive reactions to the resource mobilization efforts of the Programme have elicited some generous voluntary contributions from several Governments, but much more is needed. It is to be hoped that more donors will follow their example to ensure funding for additional technical cooperation projects and to strengthen the operational capacity of the Programme, so as to meet the expressed needs of the long list of States which have requested technical assistance in crime prevention and criminal justice. The compendium of project proposals issued by the Division contains some possibilities for consideration by donor countries.

111. Most of the current Programme mandates include a technical assistance component. Over the years, the scope of such activities has been broadened. It has been urged that the Programme should place increased emphasis on providing training for various categories of criminal justice personnel, developing specialized publications on a number of technical issues, and disseminating the codes of conduct,

model laws and model treaties, so that they can be widely used all over the world.

112. Further improvements have also to be made in the strategic management of the Programme and the work of the Commission, with a streamlined agenda and reduced reporting requirements. The new work arrangements should allow the Division more time for operational activities.

113. While crime prevention has been identified as one of the priorities of the Organization in the medium-term plan for the period 1998-2001, the resources available to the Programme remain grossly inadequate. The active support of Member States and funding agencies is critical to ensure that the priority accorded to the Programme is also reflected in its strengthened capacity to discharge the vital tasks entrusted to it.

114. In recognition of the importance of the crime prevention and criminal justice programme, the Secretary-General, in his report entitled "Renewing the United Nations: a programme for reform" (A/51/950), decided that Vienna would become the locus for United Nations efforts against crime, drugs and terrorism. The Division for Crime Prevention and Criminal Justice will be reconstituted as the Centre for International Crime Prevention and proposals submitted to Member States to strengthen its capacities. The new Centre and the United Nations International Drug Control Programme will together form a new Office for Drug Control and Crime Prevention.

Notes

¹ See E/1997/30 and Corr 1, to be issued in final form as *Official Records of the Economic and Social Council, 1997, Supplement No. 10*.

² E/CN.15/1997/17.

³ See *Official Records of the Economic and Social Council, 1996, Supplement No. 10 (E/1996/30)*, chap. I D.

⁴ E/CN.15/1997/CRP.1.

⁵ The figures include both contributions and pledges. Not all pledges had been received by 30 June 1997.

⁶ Pursuant to an agreement with the Government of Italy, approximately 50 per cent of its contribution is used to support the activities of the International Scientific and Professional Advisory Council.

⁷ The contribution of the United States was earmarked for specific projects.

⁸ The contribution of Japan was earmarked for the firearms regulation project and other specific projects.

- ⁹ The contribution of France was earmarked for a training project on mutual legal assistance in criminal matters for the Economic Community of West African States.
- ¹⁰ The contribution of the Asia Crime Prevention Foundation was earmarked for the World Crime Report.
- ¹¹ E/CN.15/1997/18.
- ¹² E/CN.15/1997/17.
- ¹³ E/CN.15/1997/2 and Corr.1 and Add.1.
- ¹⁴ E/CN.15/1997/8 and Add.1.
- ¹⁵ E/CN.15/1997/10.
- ¹⁶ E/CN.15/1997/3/Add.1, annex.
- ¹⁷ E/CN.15/1997/4 and Corr.1.
- ¹⁸ Ibid., annex II.
- ¹⁹ Ibid., para. 64.
- ²⁰ E/CN.15/1997/5.
- ²¹ E/CN.15/1997/5/Add.1.
- ²² E/CN.15/1997/11.
- ²³ E/CN.15/1996/16/Add.1-4.
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General Assembly

Distr.: General
20 August 1997

Original: English

Fifty-second session
Item 106 of the provisional agenda*
International drug control

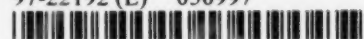
Implementation of the Global Programme of Action adopted by the General Assembly at its seventeenth special session

Report of the Secretary-General

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* A/52/150 and Corr. 1.



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I. Introduction

1. The present report is structured thematically along the lines of the Global Programme of Action adopted by the General Assembly at its seventeenth special session, on 23 February 1990.¹ Each section contains a general overview of approaches and policies developed by States individually or in cooperation with other States at the bilateral, regional and international levels and with international organizations. Concrete examples of programmes and measures implemented at the national level have also been included. In accordance with General Assembly resolutions 49/168 of 23 December 1994 and 50/148 of 21 December 1995, the report contains an evaluation of progress on the implementation of the Global Programme of Action and recommendations on ways and means of improving implementation.

2. To facilitate reporting, the Commission on Narcotic Drugs, in its resolution 4 (XXXVII), requested the Secretariat to send a questionnaire to all Governments soliciting information on activities undertaken to implement the Global Programme of Action. As at 31 July 1997, replies had been received from 62 States and 1 territory. In view of the level of response, information submitted by States has been complemented by information from other official sources.

A. Action taken by the Economic and Social Council and the Commission on Narcotic Drugs

3. The Commission on Narcotic Drugs at its fortieth session and the Economic and Social Council at its substantive session of 1997 adopted resolutions that have a bearing on the themes of the Global Programme of Action. The resolutions adopted by the Council deal, in particular, with the following: review of the United Nations International Drug Control Programme (UNDCP) (Council resolution 1997/37 of 21 July 1997); demand for and supply of opiates for medical and scientific needs (Council resolution 1997/38 of 21 July 1997); the Baku Accord on Regional Cooperation against Illicit Cultivation, Production, Trafficking, Distribution and Consumption of Narcotic Drugs and Psychotropic Substances and their Precursors (Council resolution 1997/39 of 21 July 1997); contribution to the strengthening of the Global Programme of Action: anti-drug strategy in the Americas (Council resolution 1997/40 of 21 July 1997); and implementation of comprehensive measures to counter the illicit manufacture,

trafficking and abuse of amphetamine-type stimulants and their precursors (Council resolution 1997/41 of 21 July 1997). The five resolutions adopted by the Commission also address relevant issues such as the following: cooperation in drug control between the Zone of Peace and Cooperation in the South Atlantic and UNDCP (Commission resolution 1 (XL)); development and implementation of domestic legislation to strengthen justice systems and to ensure compliance with the provisions of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 relating to law enforcement and judicial cooperation (Commission resolution 2 (XL)); availability of opiates for medical needs (Commission resolution 3 (XL)); the pilot maritime drug law enforcement project of UNDCP (Commission resolution 4 (XL)); and the analysis of regional and global demand reduction strategies (Commission resolution 5 (XL)).

B. Evaluation of progress made and recommendations to improve implementation

4. In the current reporting year, an increasing number of Governments have made improvements in the quality of their demand reduction programmes, focusing on a number of practical measures such as the development of master plans, as well as national policies and programmes of action including demand reduction. Member States should devote more resources to support various aspects of demand reduction where such measures have not yet been introduced. Member States should also seek bilateral and international assistance to complement their national efforts in that endeavour.

5. High priority should be given to early prevention measures. Governments should design comprehensive programmes and sustainable national demand reduction strategies that encompass prevention, education, treatment and rehabilitation programmes and should allocate sufficient resources for their implementation. The programmes should promote a multisectoral and intersectoral approach as an integral part of national development planning, with particular emphasis on the protection of the young.

6. Treatment for drug abusers has been provided by many Governments, but few have provided training for personnel employed in treatment, rehabilitation and social reintegration of drug abusers. More efforts need to be made in treatment beyond detoxification. Improved linkage between Government and the private sector is also necessary to strengthen programmes of rehabilitation and social

reintegration. The need for guidelines on treatment, training and the development of programmes of rehabilitation and social reintegration has been identified by a number of Governments. Governments should provide alternatives to treatment and avenues for drug offenders other than imprisonment.

7. International criminal activities associated with illicit drug trafficking, such as the arms trade, trafficking in persons and terrorist acts, not only threaten populations but also destabilize institutions and undermine law and order. Facilitated by technology, especially in transport and communications, and by a more open international business environment, illicit drug operations have yielded enormous profits, as well as great power and influence, which have enabled them to infiltrate virtually every segment of society. Governments may wish to emphasize in future reports their efforts to identify new modalities for securing close cooperation, coordination, mutual legal assistance and joint operations. They could also improve the interaction of various types of law enforcement agencies involved in the suppression of illicit traffic, such as marine, air and border patrols, police and customs, immigration and postal services.

8. Despite the efforts of drug law enforcement agencies, substantial amounts of smuggled drugs have continued to escape detection. While unprecedented numbers and quantities of seizures have been made recently, they represent only a fraction of the actual amount of drugs being trafficked throughout the world. They might be indicative of either more rigorous and vigilant enforcement or increased trafficking. In that connection, the exchange of information both within and between regions is vital to ensure broader cooperation in the suppression of illicit drug trafficking. Regular contact between operational counterparts, as well as advanced communication and information systems and networks, need to be vigorously promoted and sustained.

9. Governments have not reported in sufficient detail their efforts to develop and intensify various forms of cooperation in law enforcement and mutual legal assistance. Priority should be accorded by the international community to ensuring the reliable, expeditious and secure flow of information for operational and intelligence purposes. That would enhance the capacity of communication and information systems to fortify borders and internal controls against the flow of the drug traffic. Modern information technology has revolutionized the process of communication and should therefore be incorporated as a basic tool of day-to-day law enforcement operations.

10. In the four years that have passed since the introduction of a simplified questionnaire for the submission of national reports, only 26 States and 1 territory have reported to UNDCP on a regular basis: Argentina, Australia, Belgium, Brazil, Colombia, Denmark, Ecuador, Egypt, Ethiopia, Finland, India, Japan, Jordan, Lebanon, Mexico, Norway, Oman, Pakistan, Peru, Portugal, Romania, South Africa, Syrian Arab Republic, Tunisia, United Kingdom of Great Britain and Northern Ireland and Venezuela; and Cook Islands. A further 36 States have reported sporadically, and some major players on the international scene have failed to report. To enable the commission on Narcotic Drugs and the General Assembly to monitor and analyse in depth government efforts to implement the Global Programme of Action, there is a need for more Governments to submit replies to the questionnaire conscientiously and promptly, so that the Secretary-General, in his annual report, can effectively contribute to the evaluation of the progress made.

II. Prevention and reduction of drug abuse with a view to the elimination of the illicit demand for narcotic drugs and psychotropic substances

11. More States reported the adoption of national policies and strategies for drug control in 1996 than in 1995. Several States lacking such policies and strategies have indicated that progress has been made in developing master plans and national policies and programmes of action in drug control. Drug abuse has been recognized as having both social causes and social costs. To support efforts aimed at prevention, UNDCP has continued to collaborate with Member States in developing a declaration on the principles of reduction of illicit demand for drugs, to be considered for adoption at the special session of the General Assembly devoted to the fight against the illicit production, sale, demand, traffic and distribution of narcotic drugs and psychotropic substances and related activities, to be held from 8 to 10 June 1998.

12. Most Governments have reported having prevention programmes involving the following: the launching of public awareness campaigns using multimedia approaches, including the distribution of videos to television networks; the use of newspaper and radio advertising to promote prevention; the distribution of posters, pamphlets and leaflets; and the organization of rallies, talks, seminars and lectures in urban areas. In several countries, the International Day against Drug Abuse and Illicit Trafficking, observed annually on 26 June, is used as an opportunity for raising

public awareness, mostly through activities involving local communities and non-governmental organizations.

13. Many Governments have provided support for the development of training materials and the training of schoolteachers, parents, religious leaders, prevention educators, counsellors and police officers. There has been coordination among ministries of health, education, social welfare, voluntary agencies and non-governmental organizations. The majority of the preventive efforts have targeted youth.

14. The next most common form of prevention is preventive education in schools. In most States, preventive education is included in the curricula or in mandatory courses of secondary schools and, in some cases, in primary schools and in universities. Training for recreation leaders, preventive education at youth health clubs and leisure activities for youth are sometimes provided. Few States offer prevention programmes in non-formal educational settings or for street children and school drop-outs.

15. Preventive efforts specifically designed for pregnant women have been reported by only one Government. Few Governments have reported linking prevention of drug abuse with prevention of the human immunodeficiency virus (HIV) and acquired immunodeficiency syndrome (AIDS). Innovative approaches to prevention have been reported, including the use of telephone helplines, young ambassadors for drug prevention, Internet services for youth, and discotheques where education on the prevention of drug abuse is provided. A few Governments have reported on measures to prevent drug abuse in the workplace, and one has referred to preventive measures by independent groups in the entertainment industry.

16. In some States, studies have been conducted to monitor the trends in, the patterns and prevalence of and the health problems related to drug abuse, and surveys have been carried out on drug abuse and high-risk sexual behaviour among students. In 1996, UNDCP continued to assist States in Africa, Asia and Latin America in conducting rapid assessment surveys of the situation with regard to drug abuse and of the services available to drug abusers.

III. Treatment, rehabilitation and social reintegration of drug addicts

17. Several Governments have reported having a national policy on the treatment of drug abuse or guidelines and standards for treatment. In States where treatment services for drug abuse are available, they come under the aegis of

the ministries of health, social welfare or social security. In most States, however, the available treatment services are insufficient. Some are striving to expand their facilities, whereas others may lack treatment facilities altogether.

18. Most available treatment services are supported by Governments. In some States, private entities and non-governmental organizations also provide treatment of varying quality. Free treatment is available in some States, especially where there is compulsory hospitalization. Most treatment entails detoxification, but a few Governments have reported practising abrupt withdrawal from addictive drugs, albeit usually with high relapse rates. Methadone, naltrexone and clonidine substitutes are available in some States. In others, yoga exercises and indigenous medicines are used in the post-detoxification phase.

19. Less available are counselling services, such as outreach activities that provide injecting drug abusers with counselling on HIV prevention, and needle exchange services. Some Governments offer offenders who abuse drugs the option of treatment and social rehabilitation rather than imprisonment. A few Governments report providing treatment for prisoners. In some States, habitual offenders are given training and work experience. One Government reported providing shelter and outreach to sex workers who were drug abusers.

20. Services for the treatment of drug abuse are usually located in special units within a general hospital or a mental health or psychiatric hospital, and some States have specialized hospitals, out-patient clinics and day-service facilities. Therapeutic communities are available in some States.

21. Several Governments have reported the lack of equipment, facilities, medicines and trained professionals and have mentioned general resource constraints in dealing with treatment. There is a general need for models of good practice, improved standards of treatment and training and updated clinical guidelines.

22. Services for rehabilitation and social reintegration, though less available than in-patient treatment, are increasingly being provided by Governments and non-governmental organizations. Most Governments, as well as non-governmental and community organizations, have reported community-based post-treatment services involving job rehabilitation, training in vocational skills, leisure activities, outreach and drop-in centres, financial support for reintegration of low-income people, assistance in securing employment after treatment and the reintegration into families. In general, however, few (if any) social reintegration programmes are offered.

IV. Control of supply of narcotic drugs and psychotropic substances

A. Eradication and substitution of the illicit production of narcotic drugs; eradication of the illicit processing of narcotic drugs; and eradication of the illicit production and diversion of psychotropic substances

23. Several Governments have reported efforts to eradicate the illicit cultivation of narcotic plants, and countries in which such illicit cultivation remains a problem have sought international assistance through bilateral or multilateral agreements to implement alternative development programmes. Despite eradication efforts, many countries remain affected by such illicit cultivation.

24. Law enforcement authorities in a number of States in all regions have seized clandestine laboratories in which amphetamines and other substances were being illicitly manufactured. Such manufacture remains a serious problem in many developed countries, as well as in some developing countries that have reached a certain level of technological advancement.

25. Some Governments have reported adopting strategies of rural or alternative development to combat the illicit cultivation of narcotic plants. Those strategies entail the cultivation of economically viable crops and are, in most cases, supported by measures to improve transport and communication infrastructure, social services and activities to develop agricultural marketing opportunities.

26. The role of UNDCP in alternative development has diversified to include involvement in model programmes of technical assistance and support for efforts to strengthen the technical capacity of institutions responsible for coordinating national alternative development plans. Such an approach builds on a process of taking stock of and documenting experiences and lessons learned in the preparation of a guide on alternative development.

27. A project on the control of precursors in south and south-west Asia, launched in January 1996, was designed to assist States in those areas in developing and strengthening national systems for the control of precursors in order to prevent diversions from the licit trade, thereby reducing the manufacture of illicit drugs derived from illicit cultivation in those areas. Recent developments in the projects being carried out in the Dir District of the North-West Frontier Province of Pakistan and in the Bekaa

valley in Lebanon testify to the progress being made in the eradication of illicit cultivation in problem areas.

B. Licit production, manufacture and supply of narcotic drugs and psychotropic substances

28. To maintain a balance between the supply of and demand for narcotic drugs, Governments provide the international Narcotics Control Board with annual estimates of the amount of narcotics required by Member States for medical use and research purposes. In 1996, global production of opiate raw materials was 255 tonnes in morphine equivalent, considerably less than the 291 tonnes originally projected for that year. The shortfall was mainly the result of a sharp decrease in the poppy straw harvesting area in Turkey in 1996.

29. According to statistical data provided to the Board by the major producing countries, global production of opiate raw materials in 1996 will probably exceed consumption of opiates by 14.5 tonnes in morphine equivalent. In 1997, production is expected to exceed total consumption by 80-90 tonnes in morphine equivalent, in view of the projected increase in all major producing countries.

30. The Board continued its practice of organizing informal meetings with representatives of major producers and importers of opiate raw materials during the fortieth session of the Commission on Narcotic Drugs. Participants discussed the most feasible approach to achieving a lasting balance between supply of and demand for opiate raw materials for medical and scientific purposes.

C. Cooperation at the multilateral level

31. Several Governments reported the provision of financial and technical assistance to other States through UNDCP, in the context of multilateral cooperation, or the conclusion of arrangements and agreements at the bilateral level. Subregional strategies and memoranda of understanding have been developed or adopted in various parts of the world, but at a pace and in forms that vary subject to the specific problems and conditions prevailing in each region or subregion.

32. UNDCP and the World Health Organization have developed a global initiative on primary prevention of drug abuse. UNDCP is launching a youth project to promote innovative approaches to dealing with young people and substance abuse and to encourage the networking of youth

programmes around the world. The Joint and Co-sponsored United Nations Programme on HIV/AIDS, the United Nations Children's Fund (UNICEF) and UNDCP are jointly sponsoring a programme for the training of youth leaders in the use of video as a tool for preventive education designed for children in difficult circumstances. UNDCP and UNICEF are also collaborating in a project that focuses on children in crisis situations. UNDCP and the International Labour organization (ILO) will launch a third conference involving the participation of representatives from the private sector in order to strengthen the partnership that includes business communities, unions and non-governmental organizations in dealing with drug issues in the workplace.

33. Various activities conducted at the regional level, illustrating the type and extent of cooperation undertaken during 1996 and the first part of 1997, are summarized below.

1. Africa

34. In the context of promoting multilateral subregional strategies and as follow-up to a protocol on combating illicit drug trafficking in the States members of the Southern African Development Community (SADC), adopted by SADC in 1995 and ratified in 1996, UNDCP, through a process of continuous consultation with the secretariat of SADC, has pursued avenues for the implementation of the plan of action related to the protocol. In that connection, UNDCP and the European Commission undertook a joint mission to the SADC secretariat at Gaborone in May 1997. The mission resulted in an agreement to hold expert group meetings on various topics of concern, including legislation, which was identified as an area of central importance.

35. UNDCP has prepared a technical cooperation project designed to strengthen the capacity of the secretariat of the Organization of African Unity to coordinate and ensure the timely implementation of its plan of action for drug control.

2. Asia and the Pacific

36. As follow-up to a memorandum of understanding concluded between the South Asian Association for Regional Cooperation and UNDCP, a regional workshop was held at the policy level in Sri Lanka in May 1996. The workshop produced a brief outline of a subregional strategy and identified areas of cooperation in drug law enforcement, including legislation relating to drug control, and demand reduction.

37. Since the adoption in 1995 of the South-east Asia Subregional Action Plan by signatories to a memorandum of understanding concluded by Cambodia, China, Lao

People's Democratic Republic, Myanmar, Thailand, Viet Nam and UNDCP, progress has been made in the formulation and implementation of a subregional strategy. At a meeting held at Yangon in May 1996, senior officials from the six States parties to the memorandum of understanding reviewed its achievements and agreed on the first two projects to be carried out under the Subregional Action Plan: one on precursor control and the other on demand reduction in highland communities. From 1996 to mid-1997, other projects were formulated within the framework of the Subregional Action Plan. Several projects were approved, including projects for the development of operational procedures for drug control, upgrading the capacity to gather and exchange information, the improvement of training in drug law enforcement and the promotion of demand reduction; in some cases, implementation has already begun.

3. Europe and the Middle East

38. Inter-agency cooperation involving ILO, the European Commission and the Pompidou Group of the Council of Europe concentrated on assistance in the reduction of demand in central and eastern Europe. UNDCP focused many of its activities on the Commonwealth of Independent States (CIS), the Caucasus and the territory of the former Yugoslavia.

39. A joint seminar entitled "Drugs and Crime: New Challenges" was organized by UNDCP, the Crime Prevention and Criminal Justice Division of the Secretariat and the Organization for Security and Cooperation in Europe at Bishkek in June 1996, with the participation of the CIS member States in central Asia.

40. As a follow-up of the memorandum of understanding concluded in May 1996 under the aegis of UNDCP between the CIS member States in central Asia, UNDCP launched a large-scale subregional project in May 1997 to strengthen law enforcement capacities in Kyrgyzstan, Tajikistan and Uzbekistan, as well as cross-border cooperation between those States and the Russian Federal Border Guard Service. A further subregional project was also launched in 1997 to promote cooperation between Kazakhstan, Kyrgyzstan and Tajikistan in mapping and monitoring the extent of cultivation of illicit opium poppy.

41. A regional forum on reduction of demand in the Middle East was organized by UNDCP at Abu Dhabi in March 1997, in cooperation with the Ministry of Interior of the United Arab Emirates.

42. In the context of promoting regional cooperation with the Economic Cooperation Organization (ECO), UNDCP

provided assistance in the creation of a mechanism within ECO for the coordination of drug control and in the training of national coordinators from all ECO member States under a new UNDCP regional project scheduled to start in the second half of 1997.

4. Latin America and the Caribbean

43. In 1996, UNDCP promoted and negotiated a memorandum of understanding on subregional cooperation in drug control between Mexico and the Central American States of Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama. The memorandum of understanding provides for cross-border cooperation in all aspects of drug control, and activities were planned to promote harmonization of legislation and training in law enforcement, in demand reduction and in the prevention of drug abuse.

44. At the regional level, an anti-drug strategy for the western hemisphere was approved and signed at Montevideo in December 1996 by the Inter-American Drug Abuse Control Commission (CICAD) of the Organization of American States at its twentieth regular session. The anti-drug strategy was designed to provide a comprehensive and balanced approach to action aimed at reducing both demand and supply on a global and multidisciplinary basis. The Economic and Social Council, in its resolution 1997/40, urged the international community to take due account of the anti-drug strategy as a significant contribution to the strengthening of the Global Programme of Action.

D. Monitoring and control mechanisms

45. Many Governments have developed systems for monitoring trade in and the movement of substances frequently used in the illicit manufacture of drugs. Those systems are used in cooperation with manufacturers of such substances or others who alert them to any suspicious movement or transaction involving such substances. Specialized units, usually within law enforcement agencies, collect and analyse data and undertake regular or ad hoc inspections of the premises of operators to ensure that no manufacture of illicit drugs takes place. Regional or international agreements on the control of precursors have also recently been developed. In addition, the European Community has concluded cooperation agreements with several States outside the region to prevent diversion of chemicals, material and equipment frequently used in the illicit manufacture of narcotic drugs and psychotropic substances.

46. As a result of cooperation between Member States and the International Narcotics Control Board, the diversion of at least 16 tonnes of ephedrine was prevented in 1996. That amount of ephedrine would have enabled traffickers to illicitly manufacture more than 10 tonnes of methamphetamine. One State alone prevented the diversion of more than 300 tonnes of acetic anhydride, an amount that might have been used for the illicit manufacture of approximately 120 tonnes of heroine. As for chemicals used in the manufacture of cocaine, shipments of such chemicals totalling nearly 1,800 tonnes were stopped because of suspicious circumstances or irregularities.

V. Suppression of illicit trafficking in narcotic drugs and psychotropic substances

47. A number of Governments have reported the conclusion of bilateral, multilateral or regional agreements or other arrangements to enhance coordination between their law enforcement agencies in operations aimed at suppressing illicit trafficking in narcotic drugs and psychotropic substances, including the provision of mutual legal assistance, technical equipment and training in modern techniques. Many Governments have reported memoranda of understanding concluded between their customs authorities and air, maritime and land transport organizations.

48. Several Governments have noted the importance of personal contacts established at international meetings dealing with law enforcement issues, such as meetings of heads of national drug law enforcement agencies and sessions of the Subcommittee on Illicit Drug Traffic and Related Matters in the Near and Middle East. The identification at such meetings of urgent issues facing law enforcement agencies in the fight against illicit drug trafficking in the regions concerned has led to the adoption of effective countermeasures, such as the Baku Accord on Regional Cooperation against Illicit Cultivation, Production, Trafficking, Distribution and Consumption of Narcotic Drugs and Psychotropic Substances and their Precursors. Many Governments have emphasized the paramount importance of regional meetings of subsidiary bodies of the Commission, which coordinate the efforts of developing countries in drug law enforcement and provide the only means of establishing and strengthening the mutual trust and confidence that are essential, in view of the limited resources of the countries concerned, to effective cooperation in and coordination of drug law enforcement operations at the

regional level. Several Governments have emphasized the need for drug law enforcement agencies to improve cooperation with their counterparts in transit and producer States.

49. Since the number of analytical laboratories providing scientific evidence in court cases is increasing, international standards requiring high levels of precision should be applied to the reported laboratory findings. Governments have therefore emphasized the need to provide laboratories with the means of assessing the accuracy of their findings. The international quality assurance programme, carried out under the auspices of UNDCP, provides Member States with the necessary tools to assist their national drug-testing laboratories in meeting international standards.

50. Their continued efforts to dismantle clandestine laboratories engaged in the illegal manufacture of substances under international control have led Governments to seek the advice and assistance of UNDCP in order to strengthen their capacity for intelligence-gathering. In collaboration with laboratories in many countries, UNDCP is coordinating and conducting applied research into the essential process of analysing impurities in seized material and the potential use of the findings for comparative and intelligence purposes.

51. In view of the sustained rise in the manufacture, availability and abuse of illicit synthetic drugs worldwide, Governments have in recent years actively pursued efforts to address the problem and to develop countermeasures aimed at containing it. In that connection, UNDCP organized two expert meetings on amphetamine-type stimulants, the first held at Vienna from 12 to 16 February 1996 and the second held at Shanghai, China, from 25 to 29 November 1996 (E/CN.7/1997/6). The policies and countermeasures recommended by those meetings have subsequently been endorsed by the Commission and will be considered by the General Assembly at its special session on drug control to be held in 1998.

VI. Measures to be taken against the effects of money derived from, used in or intended for use in illicit drug trafficking, illegal financial flows and illegal use of the banking system

52. Several Governments reported the adoption, in 1996, of the legislative and administrative measures required to give effect to the provisions of articles 3 and 5 of the United

Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988,² as well as to comply with the Council of the European Communities directive of 10 June 1991 on prevention of the use of the financial system for the purpose of money-laundering. Some Governments were in the process of drafting, enacting or amending legislation to make money-laundering a criminal offence and to provide for the confiscation of the proceeds derived from illicit drug trafficking.

53. Cooperation with banks and other financial institutions in the detection of illicit transactions and transfers of assets derived from drug-related activities has been recognized as being of paramount importance. Some governments have adopted measures to ensure that deposits, transfers and withdrawals above a certain amount are brought to the attention of the competent authorities. Reports of such transactions or other activities attracting the suspicion of financial institutions are then used to support investigations, prosecution and confiscation. Irrespective of whether such reporting systems are voluntary or mandatory, failure to report suspicious transactions carries penalties. Financial institutions that participate in money-laundering, even out of negligence, are often subject to punishment.

54. In spite of these measures, the money-laundering industry continues to seek new and more sophisticated techniques to avoid detection. Criminals are making increasing use of corrupt lawyers, financial specialists and other experts who are sufficiently knowledgeable in the mechanisms and dynamics of financial markets to exploit available loopholes in legal and regulatory defences against money-laundering. A further challenge to effective enforcement and regulatory procedures to counter money-laundering is posed by the growth of payment facilities, based on high technology, that enable global financial transactions to be made by coded electronic means. States must be made aware of the impact of such technology on existing regulatory frameworks and of the misuse of international data networks such as the Internet.

55. In October 1996, UNDCP, in cooperation with the Crime Prevention and Criminal Justice Division, initiated a Global Programme against Money Laundering, designed to assist States in establishing the necessary legal basis to counter money-laundering; to provide assistance to the judicial, financial and law enforcement systems in institution-building and in the training of personnel; to prepare a compendium of relevant national legislation and procedures; and to develop computer databases and training materials of a general nature.

56. In November 1996, in the context of promoting bilateral and regional cooperation, the prime ministers of Estonia, Latvia and Lithuania signed at Riga a declaration on the fight against money-laundering, drawn up in cooperation with UNDCP, the European Commission and the Financial Action Task Force established by the heads of State or Government of the seven major industrialized countries and the President of the European Commission. The declaration provides for a set of administrative procedures to be undertaken by the parties to prevent money-laundering at the national, regional and international levels.

VII. Strengthening of judicial and legal systems, including law enforcement

57. In 1996, 8 States became parties to the Single Convention on Narcotic Drugs of 1961 as amended by the 1972 Protocol,³ 7 became parties to the Convention on Psychotropic Substances of 1971,⁴ and 18 became parties to the 1988 Convention. States have continued to make progress in enacting the necessary legislative and administrative measures to give effect to the conventions. States that have not yet become parties to the conventions have adopted appropriate measures to comply with their provisions while completing the comprehensive legislation required for ratification or accession. As at 31 July 1997, 160 States were parties to the Single Convention on Narcotic Drugs of 1961⁵ or to that Convention as amended by the 1972 Protocol, 151 were parties to the 1971 Convention and 141 were parties to the 1988 Convention.

58. While the majority of Governments have established basic legal and administrative frameworks within which treaties can operate, legislation on issues such as money-laundering or mutual legal assistance is often not yet in place. Therefore, the high level of adherence does not fully reflect the extent to which treaties have been implemented.

59. Some Governments have reported concluding bilateral and multilateral agreements on mutual legal assistance that would complement and expand the obligations of parties to the 1988 Convention under article 7 of the convention, thus offering more possibilities for mutual legal assistance in judicial proceedings, as well as agreements that would facilitate transfer in extradition proceedings concerning drug-related offences.

60. Several Governments have reported implementing activities to strengthen the judiciary through various

measures such as specialized training programmes in drug law enforcement, the use of modern law enforcement techniques and the deployment of dogs trained to sniff out drugs, in order to monitor all goods, personal effects and passenger luggage in major airports.

61. The States members of the Cooperation Council for the Arab States of the Gulf have developed a draft unified criminal law, based on the principles of Islamic law, providing social security for all, harmonizing investigative and evidence-gathering procedures and promoting improved cross-border cooperation.

VIII. Measures to be taken against the diversion of arms and explosives and illicit drug trafficking by vessels, aircraft and vehicles

62. A number of Governments have reported having strict legislative measures in place to control the import and export of weapons and explosives, thereby preventing their diversion into illicit markets, while others, to achieve the same end, have begun to strengthen measures to control and monitor the trade in firearms, ammunition and explosives.

63. To ensure that the means of transport operated by commercial carriers are not used for illicit drug trafficking, a few Governments have taken appropriate steps in accordance with the provisions of article 15 of the 1988 Convention, including the conclusion of memoranda of understanding with organizations and airline and shipping companies in order to prevent illegal access to and use of aircraft, vessels and vehicles.

64. To counteract the illicit traffic by sea, Governments have supplemented the control systems applied by law enforcement officials at points of entry by other official measures, such as regular coastline surveillance operations to achieve more complete coverage of coastal waters.

IX. United Nations Decade against Drug Abuse, covering the years 1991-2000

65. In accordance with General Assembly resolution S-17/2, in which the Assembly proclaimed the period from 1991 to 2000 the United Nations Decade against Drug Abuse, UNDCP has developed and disseminated information tools such as leaflets, pamphlets, brochures, travelling exhibits, posters and films. In addition to those regular

activities, UNDCP has continued to nurture a culture of opposition to drug abuse by embarking upon various initiatives aimed at civil society, as described below.

66. On the occasion of the International Day against Drug Abuse and Illicit Trafficking, special messages by the Secretary-General of the United Nations and by the Executive Director of UNDCP were disseminated. Many special events have been carried out at the national level, with the involvement of government ministries and non-governmental organizations.

67. Non-governmental organizations have continued to play an important role in the activities of the Decade. In 1996, a non-governmental organization based in Tokyo was able to make an additional donation of 500,000 United States dollars to UNDCP as a result of nationwide drug control campaigns designed to prevent drug abuse and to raise funds. A third conference on drugs in the workplace and the community, for the region of Asia and the Pacific, will be held at Kuala Lumpur from 3 to 6 October 1997, in collaboration with ILO, the International Federation of Non-Governmental Organizations for the Prevention of Drug and Substance Abuse and the National Association for the Prevention of Dadah (prohibited substances) of Malaysia. The purpose of the conference is to establish a closer interaction between representatives of the business world and other segments of civil society.

X. Resources and structure

68. The budget of UNDCP comprises two separate and complementary parts: the regular budget approved by the General Assembly; and the Fund of the United Nations International Drug Control Programme, approved by the Commission. The Fund, established in 1991 by the General Assembly, is under the direct responsibility of the Executive Director of UNDCP and is supported from extrabudgetary resources.

69. The total revised budget of UNDCP for the biennium 1996-1997 amounts to \$157.7 million, of which \$141.2 million, or 89.5 per cent, is funded from voluntary contributions under the Fund and \$16.5 million, or 10.5 per cent, is from the regular budget of the United Nations. The total income of the Fund for the biennium 1996-1997 is estimated at \$130.8 million, resulting in an expected shortfall of income over expenditure of \$10.4 million. The amount of \$16.5 million financed from the regular budget of the United Nations reflects a decrease of nearly \$1 million following the overall budget reductions mandated for the

United Nations by the General Assembly in its resolution 50/214 of 23 December 1995.

70. The regular budget of UNDCP mainly finances treaty implementation and legal affairs at UNDCP headquarters. Of the resources of the Fund, \$109.1 million, or 77.3 per cent, are for project activities carried out mainly in developing countries to enhance their ability to comply with treaty obligations and to cope with problems related to illicit drug production, trafficking and abuse. The remaining \$32.1 million, or 22.7 per cent of the resources of the Fund, cover the costs of the network of field offices and a share of headquarters expenses. The main share of voluntary funds, namely \$109.1 million, is utilized to fund approximately 250 projects implemented in over 50 countries. The largest share of spending is in Latin America and the Caribbean, followed by Asia and the Pacific, Europe and the Middle East, and Africa.

Notes

¹ See General Assembly resolution S-17/2, annex.

² *Official Records of the United Nations Conference on the Adoption of a Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, Vienna, 25 November-20 December 1988*, vol. I (United Nations publication, Sales No. E.94.XI.5).

³ United Nations, *Treaty Series*, vol. 976, No. 14152.

⁴ *Ibid.*, vol. 1019, No. 14956.

⁵ *Ibid.*, vol. 520, No. 7515.

**General Assembly**

Distr.: General
22 August 1997
English
Original: Spanish

Fifty-second session

Item 20 (b) of the provisional agenda*

Strengthening of the coordination of humanitarian and disaster relief assistance of the United Nations, including special economic assistance: special economic assistance to individual countries or regions

International assistance to and cooperation with the Alliance for the Sustainable Development of Central America**Report of the Secretary-General****I. Introduction**

1. This report is being submitted pursuant to General Assembly resolutions 49/21 I of 20 December 1994 and 50/58 B of 12 December 1995. It describes the international cooperation activities of the United Nations Development Programme (UNDP), carried out during the two-year period from July 1995 to July 1997, in support of the efforts of the Central American countries to implement a new sustainable development programme in the region.

2. In resolution 49/21 I, the General Assembly emphasized the need to design and implement a new programme of international cooperation for Central America, based on the priorities laid down in the Declaration of Commitments adopted by the Follow-up Committee of the International Conference on Central American Refugees (CIREFCA) and the Alliance for the Sustainable Development of Central America (ALIDES). The Assembly supported the efforts of the Central American Governments in their commitments to the alleviation of extreme poverty and the fostering of sustainable human development, and

urged them to intensify the implementation of policies and programmes in those areas. It further stressed the need for the international community to continue its support for those efforts, and requested the United Nations system and, in particular, UNDP, to continue to provide the necessary support and to mobilize resources in order to meet the objectives of the new strategy for development in Central America.

3. In resolution 50/58 B of 1995 the General Assembly emphasized the importance of supporting and strengthening the new programme for international cooperation and assistance for Central America and reiterated the need to continue such efforts, stating that only by solving the political, economic, social and environmental problems that are the cause of tensions and conflicts in society will it be possible to avoid a reversal of the achievements and guarantee a firm and lasting peace in Central America.

4. While this report focuses on the Central American isthmus, comprised of Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama, it also covers some activities in support of refugees which include parts

* A/52/150 and Corr. 1.



of southern Mexico.

II. The macroeconomic framework

5. According to the Economic Commission for Latin America and the Caribbean (ECLAC), Central America registered a sharp downturn in economic growth in 1996. This performance reflected the combined effects of a variety of factors: the results of most countries' efforts to control severe macroeconomic imbalances in 1995, adverse climate conditions which affected primary production, and the drop in the international prices of the main export goods. The average increase in the gross domestic product was only 2.3 per cent in Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua; it increased by 2.5 per cent in Panama and by 2.4 per cent in Belize. Hence, economic activity lagged substantially behind that of 1995, when growth had increased by 4.4 per cent in the first-mentioned five countries. Panama had registered a modest growth rate (1.8 per cent) and Belize had posted a growth rate of 3.8 per cent. Accordingly, in 1996, the per capita gross product remained unchanged, except in Nicaragua, which experienced growth for the second consecutive year. Overall, the slump in economic activity, particularly in the construction industry, triggered a rise in urban unemployment in most of the Central American countries. This was compounded by the problems facing the agricultural sector following a poor yield in basic grains.

6. There were sharp changes in certain key items of the external sector. Although exports of goods plummeted, other major revenue sources such as family remittances, tourism and industrial assembly, continued on a stable upward trend. In particular, earnings from coffee exports declined, down from the record high of 1995 generated by the exceptional prices prevailing since mid-1994. Banana sales remained unchanged owing to lower prices on the international market, adverse climate conditions which hindered production, and the difficulties of gaining access to the markets of the European Union. In July, Hurricane César, the third in 1996, swept across the Central American isthmus through Nicaraguan territory, although Costa Rica was harder hit by the strong rains and floods it caused. In the same negative vein, the external sector witnessed a sharp hike in international oil prices.

7. Because of sluggish domestic demand in most Central American countries, imports also rose at a slower pace; as a result, the current-account deficit was lower than in the

previous year and the rapid growth of intra-regional trade eased.

8. Policy measures aimed at reducing the fiscal deficit and tightening the money supply in order to correct macroeconomic imbalances had a considerable impact on the development of the region's economic activity. Most countries raised taxes on the basis of tax reforms introduced in the previous two years and other provisions. In the case of Costa Rica, where the fiscal imbalances of 1994 and 1995 prompted the adoption of strong monetary and fiscal austerity measures, these measures contributed to the stagnation of economic activity. In El Salvador, Guatemala and Honduras the restrictions were less severe. Nicaragua, while continuing to enforce rigid monetary austerity, was able to keep its economy growing and Belize continued its policy of curbing government spending. In Panama, stabilization and financial rehabilitation efforts continued.

9. One of the positive signs of these measures, in addition to the fiscal deficit being gradually brought under control, was the downward trend in inflation in the region, despite the fact that the sharp increase in international oil prices drove up energy prices and even though the scarcity of basic grains led to an increase in prices of grains. The most outstanding case was that of Costa Rica, where inflation was halved, albeit in the context of a recession. The smallest increases in the consumer price index, adjusted for the December-to-December variation, were found in Panama (2.3 per cent), Belize (3.1 per cent) and El Salvador (7.4 per cent).

10. While Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua continued to adopt some joint and coordinated policies, such as tariff rebates, they diverged in other areas owing to the unfavourable economic situation. For example, the region's exchange-rate parities, in real terms, are not aligned and this tended, *inter alia*, to aggravate the problem of the grain supply in 1996, by stimulating national exports to neighbouring countries. Their tax policies are also different.

11. Despite these problems, the region witnessed significant progress in other areas, particularly as regards external debt negotiations. A huge portion of Nicaragua's debt was pardoned. In addition to the entry into force of the free trade agreement between Costa Rica and Mexico, the other Governments resumed trade negotiations with Mexico and other nations, with a view to signing similar agreements. In Panama, a major stride was made with the conclusion of the renegotiation of the external debt under the Brady Plan, which afforded the country access to international private financial markets following 12 years of inactivity. Moreover,

the process of trade liberalization was strengthened with the signing of the protocol of accession to the World Trade Organization. These developments were accompanied by the progressive handing over of important areas of operation of the Panama Canal, a process which will culminate at the end of 1999. On the political front, there was the signing of a lasting peace agreement between the elected Government of Guatemala and the guerrilla Unidad Revolucionaria Nacional Guatemalteca (URNG), putting an end to more than three decades of armed conflict in the country. In addition, the presidential election in Nicaragua reflected the consolidation of the country's political institutions.

12. The outlook for the region in 1997 seems to be one of moderate improvement in economic growth. It is expected that there will be an upturn in the level of activity in Costa Rica and that the Salvadoran economy will become more dynamic as a result of the measures taken to stimulate the economy offered in the second half of 1996. The countries are maintaining prudent fiscal and monetary policies, with a view to reducing the fiscal deficit and continuing to reduce inflation. International coffee prices rebounded in the first half of 1997, oil prices are dropping and an upswing in banana exports is expected.

III. Cooperation activities

13. In response to the request of the Central American Governments submitted to the General Assembly, in 1996, UNDP launched a new programme of subregional cooperation in Central America. The programme was formulated during the previous year, following appropriate consultations with government authorities and organizations of Central American civil society, Governments and cooperation agencies and other preparatory activities. The programme was designed to take into account the priorities and undertakings established by the Presidents of Central America at their summit meetings, particularly the one held in Guácimo, Costa Rica, the Central American Environment Summit for Sustainable Development, held in Managua, and the International Conference on Peace and Development in Central America, held in Tegucigalpa, all of which were held in 1994 and the summit meeting held in San Salvador in March 1995. It also reflects the commitments undertaken by the participants in the CIREFCA process with respect to solving the problem of uprooted populations and combatting extreme poverty and social marginalization.

14. The new subregional programme concentrates on three main areas of action: peace and democratic governance; economic and social development; and sustainable

development of the environment. The financial resources available for the first triennium totalled \$22 million, including UNDP core resources and additional resources mobilized from third-party sources. UNDP undertook to allocate \$3 million per year as seed capital. In October 1995, a UNDP/Government of Spain trust fund was set up in the area of democratic governance with an initial donation from Spain of \$11 million for the period 1996-1997. In addition, a UNDP/Government of Italy trust fund was set up with a donation from the latter of \$2.4 million as an initial contribution, for a programme in the field of human development at the local level. It is hoped that those two donor States will make additional contributions during the period. In particular, additional resources of \$4 million have already been agreed with the Government of Spain. It should be noted that the aforementioned resources are in addition to very considerable contributions from third-party sources for UNDP country programmes, in particular from the Governments of Sweden and Norway; contributions from those two States have been decisive for United Nations actions in support of peace processes and the consolidation of democracy in Central America and have included direct contributions for improving the analytical and operational capacities of UNDP country offices in Nicaragua, El Salvador, Guatemala and, recently, Honduras.

IV. Peace and democratic governance

A. Support for concertation and consensus-building processes

15. The subprogramme deals with the consolidation of peace in the context of governable democracies, facilitating implementation of peace and national reconciliation agreements, reform of democratic institutions and consensus-building regarding issues of sustainable human development in Central America with the participation of civil society.

16. UNDP has supported the joint efforts of the Central American Governments in the context of presidential summits and the regional institutional framework responsible for the management and procedures in respect of ALIDES and regional integration. In particular, in the context of the UNDP/Government of Spain trust fund, assistance is being given for the efforts to rationalize and reform the Central American Integration System (SICA), in response to the decision taken by the presidents to that end. The reform, undertaken in the framework of a joint project between the Inter-American Development Bank (IDB) and

ECLAC, involves the updating, modernizing and strengthening of SICA and its General Secretariat, renovating its legal structure and orienting its activities to the regional sustainable development agenda.

17. In connection with these objectives, UNDP is carrying out activities to strengthen regional civil society organizations and facilitate their proactive participation in the context of ALIDES. It should be recalled that regionally organized civil society organizations were involved in the 1994 Tegucigalpa Commitments. Organizations such as the Central American Committee for Inter-Agency Coordination and the Civil Initiative for Central American Integration have received support and have taken part in forums for concertation and consensus-building on goals and proposals for action within the ALIDES process.

18. Efforts to promote spaces for dialogue have enabled a broad range of organizations from Central American civil society, including young businessmen, rural organizations and the cooperative movement to participate. The actions undertaken in the gender equality field, pursuant to the Platform for Action of the Fourth World Conference on Women, held in Beijing in September 1995, are noteworthy in this context. There is a system of information set up by a subregional UNDP project, which, in 1993, began supporting Central American countries and women's organizations in the preparatory process for the Conference. The system facilitates programme and project design and the promotion of actions for strengthening peace, democratization and human development from a gender perspective. In this context, UNDP has supported activities promoted by the women's regional forum for Central American integration and facilitated national meetings of various organizations connected with the advancement of women.

19. Another initiative which contributes substantially to the processes of post-conflict democratic concertation in Central America is the "State of the Region" project. Through the preparation, publication and diffusion of reports, it provides timely, reliable and complete information to the actors of civil society concerning the situation of their countries and regional integration, thereby enabling them to improve their capacity to participate as well as the quality of that participation. The project is financed with \$1 million from UNDP and \$450,000 from the European Union, as well as local contributions of \$1.3 million. It is based on the successful experiment with the "State of the Nation" report, which is being produced in Costa Rica thanks to broad participation by the country's citizens.

20. Another area which has been given priority in the context of activities for strengthening democratic governance is that of political parties. A regional UNDP project, jointly with the national programmes of El Salvador and Panama, and with the participation of the Centre for Electoral Training and Promotion of the Inter-American Institute of Human Rights, has organized subregional workshops for the strengthening of Central American political parties. At these meetings, representatives of political parties discussed the problems which affect political systems and the functioning of political parties, as well as proposals and recommendations concerning the role which political parties should play in order to improve democratic governance in the region. The meetings also looked at the results of the "Central American barometer" study, promoted by UNDP, on the population's perceptions, opinions and expectations regarding matters of democratic governance in the Central American isthmus. A number of publications are being issued as part of the activities planned for the follow-up to that process.

21. In addition to activities at the subregional level, UNDP has continued to support peace and consensus-building processes in each country. In Nicaragua, for example, the UNDP/Government of Spain trust fund implemented a project to facilitate the transfer of power and functions of local government following the elections of October 1996, consensus-building on priorities, and training of candidates and officials. Everyone is well aware of the efforts made by the entire United Nations system, together with the United Nations Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala, in Guatemala to support the process of negotiations and dialogue with various sectors of Guatemalan society, which culminated in the final signing of the Peace Agreements in December 1996. In Honduras, there was cooperation with the Convergencia Nacional forum. In Panama, the UNDP country programme supported the dialogue between the Government, political parties and leaders of civil society, which culminated in agreements on the future of territory in the Canal Zone. In Costa Rica, support was given for activities of reflection on economic policy and human development, with the participation of the Union of Chambers of Commerce and Private Enterprise and leaders of civil society representing the rural population, the cooperative movement, trade unions, the media, academics and women.

B. Strengthening of democratic institutions

22. Also in the area of democratic governance, UNDP contributes to the promotion of human rights and the rule of law in the Central American region, through programmes to support judicial reform, public safety, human rights counsels, and the functioning of the State, through tax reform and decentralization.

23. In the area of justice, the national programme of support for local justice in Nicaragua, which received financial support from the Government of Sweden, has completed its work. The programme succeeded in setting up "houses of justice" in some 100 municipalities in the interior of the country, thereby giving dignity to the functioning of justice, and provided training for judges of the first instance who were assigned to those municipalities. In El Salvador, the UNDP/Government of Spain trust fund is financing projects of support for the public criminal defence service and of popular legal education. The first seeks to increase the institutional capacity of the Office of the Public Defender, which includes the training of public defenders. The objective of the second is to promote knowledge of the country's new legislation pertaining to the criminal justice system, the family, minors and the prison system, and of current international instruments, particularly those relating to human rights. In the same way, in Guatemala, support is being given for the public criminal defence service and the streamlining of the judicial notification process. The first project will enable new public defenders to be trained and appointed; the second aims to reduce the number of unresolved cases by designing effective mechanisms for follow-up and supervision. Also, the judicial management project helps to consolidate the rule of law and the peace process through the modernization of the system of justice in Guatemala and supports the Supreme Court and the Commission for the Strengthening of Justice. In Honduras, the project to strengthen the rule of law aims to set up mechanisms to reduce the number of accused persons and to improve the follow-up of cases, to strengthen public defence, to assist in the implementation of standards regarding young offenders and to carry out a pilot project in the penitentiary system. In Panama a major project for penitentiary reform and rehabilitation of prisoners, including special actions to improve conditions for young offenders, is being carried out. A regional project is focusing on the training of judges and prosecutors in all the Central American countries, in order to improve the professional training of the members of the judiciary. When complete, the project will have provided training for 1,800 Central

American judges and prosecutors by means of courses taught in the region and in Spain.

24. The improvement of public security is another problem to which the population of the region attaches priority. In the case of El Salvador, over the past two years efforts have been consolidated in support of the National Public Security Academy and the national civil police, and this has been made possible through the generous contributions of the Governments of Denmark, Norway and Sweden. Recently, the project to support the national public security council has sought to strengthen that institution so as to bring about a unified policy and coordination of the public security institutions in El Salvador. In addition, using resources from the UNDP/Government of Spain trust fund, technical assistance is being provided to the police of Guatemala so as to lay the foundations for the subsequent transformation of the military police into a civil police force, in fulfilment of one of the provisions of the Peace Agreements. In Nicaragua, the project for support to the police is designed to improve the operational capacity of the police through specialized courses and further strengthen Nicaragua's security plan. Another project is contributing to the improvement and technical enhancement of forensic medicine in Nicaragua, thereby strengthening the Supreme Court of Justice. In Panama, support is being provided to the national police in an effort to improve its skills in the area of human rights and criminal investigations and its capacity to provide public security services in general. In Honduras, a project is being formulated to assist in the establishment of a national civil police force on the basis of Honduras' new legislation which provides for the transfer of these functions from the jurisdiction of the military.

25. In tax matters, attention should be drawn to the project for the reform of financial administration in Costa Rica which aims to improve the management of this important State function. Another initiative is being developed in Guatemala to contribute to the modernization of the tax administration within the framework of the Peace Agreements.

26. Another basic theme in the area of peace and governance is support for the economic and social reintegration of former combatants, demobilized military personnel and wounded victims of war, who are covered by specific peace agreements. In addition to the ongoing programmes in Nicaragua and El Salvador, the speedy response of UNDP along with other cooperating bodies in ensuring the demobilization of the former URNG guerillas during the first months of 1997 should be noted. This action, which is crucial to the credibility of the peace process, was made possible by the timely contribution of approximately

\$6 million by the Governments of Norway and Sweden and effective coordination with other agencies of the United Nations system, particularly the Office of the United Nations High Commissioner for Refugees (UNHCR) and with the International Organization for Migration.

27. In the case of Guatemala, specific programmes for the resettlement of uprooted population groups and on the identity and rights of indigenous peoples are also being carried out, and are structured on the basis of the commitments in the Peace Agreements. In the first programme, UNDP has expanded its operations thanks to a contribution of \$3.5 million from the Government of Denmark, supplementing other programmes and resources. In the second, the emphasis is being placed on legal reforms relating to the rights of the indigenous peoples and the promotion of their culture. In both cases, special attention is being paid to women's groups.

V. Economic and social development

A. Sustainable human development at the local level

28. Taking into account the implementation of the Declaration of Commitments in favour of populations affected by uprootedness and by conflicts and extreme poverty in the framework of the consolidation of peace in Central America, adopted at the last meeting of the CIREFCA Follow-up Committee held in Mexico City in June 1994, and the successful experience of the implementation of the Programme for Displaced Persons, Refugees and Returnees in Central America (1990-1995), UNDP has embarked on the formulation and implementation of a new initiative in Central America, the Programme for Sustainable Human Development at the Local Level. This regional programme aims to give concrete expression to ALIDES and to the commitments undertaken by the Central American Governments, the United Nations system and the international community at the World Summit for Social Development which was held in Copenhagen in March 1995, by promoting integrated strategies to combat poverty in areas of countries having the highest indexes of social and environmental deterioration. The objectives of the programme are as follows: (a) to establish regional, national and local consensus among the main protagonists (Governments, civil society, cooperating community and United Nations agencies) with regard to goals and action for sustainable human development; (b) to strengthen the technical capacity of the programmes and promote joint

action by the United Nations system in relation to the strategy; (c) to consolidate ongoing local development processes; (d) to transfer experience at the international level.

29. In each of the territories assigned priority by the Governments, methodologies that have already been tested are being applied to support the processes of State decentralization and modernization, to strengthen local authorities through community, municipal and departmental development boards and expand their capacity to formulate and implement local plans, to establish systems of production, credit and employment and improve health and education and environmental management.

30. The programme has total financing of US\$ 3,424,000 for activities at the regional level, of which US\$ 2,424,000 comes from a contribution from Italy to the UNDP/Government of Italy trust fund for sustainable social development, peace and support to special countries and \$1 million was provided by UNDP. These resources are making it possible to support national subprogrammes in Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama, each of which has specific funding derived from various sources. Implementation is an inter-agency effort by various United Nations agencies. UNDP in respect of execution, the United Nations Office for Project Services (UNOPS) in respect of general implementation, the International Labour Organization (ILO) and the World Health Organization/Pan American Health Organization (WHO/PAHO), with the active participation of the World Food Programme (WFP), the United Nations Children's Fund (UNICEF), the United Nations Volunteers programme (UNV), the United Nations Population Fund (UNFPA), the Food and Agriculture Organization of the United Nations (FAO), the United Nations Educational, Scientific and Cultural Organization (UNESCO) and other agencies.

31. It should be noted that the programme was formulated and launched following an extensive process of consultations in order to achieve maximum consensus. Thus, the initiative was submitted for consideration to, and discussed with, each and every Government and UNDP office, and with agencies of the United Nations system (UNOPS, ILO, UNICEF, FAO, WHO/PAHO, UNHCR) and local organizations (Central American network of local economic development agencies and departmental development committees). The programme was approved on 29 November 1996 in Nicaragua by the Council for Social Integration.

32. The implementation of the programme progressed during the first half of 1997. Technical teams were formed at the regional and country level, methodologies and systems

were agreed on and operational plans were drawn up. The latter are the result of a process of consultation and negotiations with all the actors participating in the development of the areas of intervention. The programme has its headquarters in Guatemala. In Belize, the institutional framework of the subprogramme is being formed, and a proposal has been made to the Prime Minister for the establishment of a national council and district development councils. In Costa Rica, the programme is part of the country's decentralization policy; a broad and representative institutional cooperation committee has been established, and progress has been made in operational aspects; the goal is to reproduce what has already been achieved in other regions of Costa Rica, particularly in the northern region. In Guatemala, the programme is assigned to the General Planning Office and operates in three departments which have been accorded priority by the Government in the context of the implementation of the peace agreements; the financing sources include the IDB, the International Fund for Agricultural Development (IFAD) and bilateral agencies. In Honduras, the Government counterpart is the Technical Secretariat for cooperation, and other projects are being incorporated to promote local development in new, additional areas of intervention in San Marcos de Ocotepeque, Intibucá and Copán. In Nicaragua, priority has been accorded to the northern area of the country. Panama has recently been included in the programme; there the Government counterpart is the social cabinet. There are interesting initiatives associated with the municipal programme for the twenty-first century, the decentralization decisions and the national programme which UNDP is carrying out in Panama.

B. Agricultural development

33. The Regional Unit of Technical Assistance agricultural development project (RUTA III) was implemented between April 1994 and the first half of 1997; following a mid-term evaluation which yielded very favourable results, a new phase was approved in order to continue the activities for the three-year period between 1 July 1997 and the year 2000. This UNDP project is being executed by the World Bank with financing of \$5.1 million from various sources: UNDP, the trust fund set up by the Government of Japan and the World Bank, IDB, IFAD, the Inter-American Institute of Cooperation in Agriculture, FAO and the Government of Norway, in addition to in-kind contributions from countries. The project provides Central American Governments with assistance in their policies and programmes of agricultural modernization and institutional and rural-sectoral reform in

order to strengthen the process of sustainable development in the subregion. The project supports countries in: (a) the formulation of policies, programmes and projects for investment and technical assistance in the implementation of lending operations; (b) the strengthening of the capacities of public and private institutions through training; (c) the formulation and implementation of strategies for addressing the problem of rural poverty; (d) the implementation of gender-specific policies on women and development; (e) the strengthening of sustainable agriculture through appropriate management of natural resources; and (f) the adoption of policies derived from the process of trade liberalization.

34. The project shifted the focus which had guided the implementation of the earlier project (RUTA II) from policy analysis and design towards the design of investment components, while maintaining support for regional topics such as trade, facilitating exchanges in the region and operating as a focal point for cooperation in the area of agriculture. The evaluation mission concluded that the project had fulfilled its objectives with a high level of cost-effectiveness. The new phase envisages financing of \$4.6 million for three years of operation.

C. Social investments

35. The Regional Unit of Technical Assistance to alleviate poverty in Central America and Panama (Social RUTA) project continued its operations between July 1993 and July 1997 with a total funding of \$6 million. This UNDP project was executed by the World Bank and financed by UNDP, the Government of Japan and IDB. WHO/PAHO participated in the project and provided an advisor. Operating through a regional unit, which was in contact with the national technical units, the project assisted countries in the formulation of policies and programmes in the social sector and sought to strengthen national management capabilities in the social sectors of the countries concerned with special emphasis on the sectors of basic education, health, nutrition and the strengthening of social investment funds.

36. The Social RUTA project made a useful contribution to the activities of the Governments, technical teams and social sector agencies by promoting the participation of national technical teams. Its regional standing, technical capacity and operational approach were helpful in the preparation of social sector projects. One important outcome of the Social RUTA project was the number of projects in which it participated and the level of resources generated (\$808.8 million). Examples include the primary education project in El Salvador, noteworthy for the close

collaboration between the World Bank and IDB and the participation of national teams; the plan of action for the health services improvement programme in Guatemala, which provided incentives for a loan from IDB; and the preparation of projects through social investment funds in Honduras, Nicaragua and Panama. The Social RUTA project also sought to improve the region's ability to analyse the social sectors and provided inputs for the formulation of policies in the form of studies and publications, dissemination of relevant information, preparation of databases and training activities. More particularly, studies were conducted on the effectiveness and efficiency of social expenditure in four countries with a view to elaborating policy agendas based on empirically established data. The project provided a rich experience for the definition of new strategies and actions by international cooperation agencies to bring about social reform in Central America.

VI. The environment and sustainable development

37. UNDP provides support for a broad range of environmental protection and restoration activities in Central America. The approach adopted is a comprehensive one which reflects the concept of sustainable development and promotes the participation of those sectors of society which are directly affected or concerned by environmental problems. The framework of cooperation was established in ALIDES, which was adopted at the Central American Environment Summit for Sustainable Development held in Managua in October 1994, following the commitments undertaken at the Earth Summit (Rio de Janeiro, June 1992) and subsequently ratified by the Latin American region at the Summit Conference on Sustainable Development (Santa Cruz de la Sierra, Bolivia, December 1996). The subregional counterpart organization for cooperation activities is the Central American Commission on Environment and Development.

38. The programmes promote the mainstreaming of the environment into national policies and sectoral plans as well as in the design of projects to promote conservation, rehabilitation and sustainable use of natural resources in specific areas. Funding for these activities comes not only from the regular budget of UNDP and from Governments but also from the special fund established for this purpose, known as Capacity 21, and from the Global Environment Facility (GEF), which is managed by UNDP and the World Bank with the assistance of the United Nations Environment Programme (UNEP).

39. One of the priority issues for the Central American isthmus in the context of ALIDES is the protection of biodiversity. It is estimated that between 6 and 12 per cent of the world's biodiversity is contained in the Mesoamerican region, which extends from Darien, in Colombia, to Tehuantepec, in Mexico. Efforts are being made to create a system of biological corridors to link the region, which is suffering from a rapid loss of its biodiversity due to deforestation, soil erosion, the destruction of maritime and coastal resources, pollution and the hunting and illegal trade in wildlife. Aware of these problems, the seven heads of State of the subregion agreed to launch two initiatives: a financial fund for nature and the creation of a system of protected areas and biological corridors throughout the Central American isthmus. GEF has advanced approximately \$25 million in seed capital for these two initiatives and it is hoped that additional resources will be mobilized for the implementation of sustainable development programmes. One response has been the provision by IDB of nearly \$25 million in additional funding. The programme has made it possible to establish a comprehensive strategic framework for orienting activities that promote and strengthen national initiatives, kindle international interest and help to channel internal and external resources.

40. In addition to these initiatives, UNDP supports national efforts with GEF funding. In Guatemala, the project on full protection of biodiversity in the Sarstung-Motagua region seeks to create a system of biological corridors that will link together nine natural parks covering an area of 12,000 square kilometres as part of the Mesoamerican system of biological corridors. The project is executed entirely by local organizations and benefits communities of the Quiche ethnic group who live both in the contiguous zones and in the conservation zones themselves. The aim is to foster inexpensive and socially feasible practices for the sustainable use of forests in order to improve the living standards of beneficiaries. It has a total budget of \$9.7 million, of which \$4.1 million is being provided by GEF. In Costa Rica, activities are continuing under the project to support the sustainable management of the Osa Peninsula (\$8 million), within the national system of protected areas. In Belize, work is continuing on a coastal management plan (\$3 million), to protect that country's coral reefs, which contain the richest biodiversity in the Western Hemisphere.

41. In Belize, Costa Rica, El Salvador and Guatemala, GEF has approved resources of approximately \$1.3 million to help fund the elaboration of national strategies and plans of action aimed at conserving biodiversity and identifying the main sources and sinks of greenhouse gases. These strategies and plans with respect to both biodiversity and

climate change represent the main commitments undertaken by those Governments which have ratified the global conventions signed during the United Nations Conference on Environment and Development.

42. Using resources from Capacity 21 as seed capital, supplemented by resources from the Governments themselves, UNDP is also helping individual countries to strengthen their capacity to incorporate the principles of Agenda 21 adopted at the Conference into their development plans. Efforts are being made to ensure the participation of all sectors of society in promoting processes of sustainable development. Three countries are implementing this type of programme: Costa Rica, El Salvador and Honduras. Similar programmes are expected to be launched in Guatemala in 1997 together with a subregional programme.

VII. Institutional aspects and management capacity

43. The UNDP regional programme operates under a flexible and decentralized management structure. A liaison service has been established in Costa Rica and the network approach is being promoted to maximize the flow of information and the participation of national organizations at every level, both governmental and non-governmental. Each regional project is implemented in relation to the corresponding national counterparts and the existing regional organizations with competence in that specific area. Furthermore, maximum use is being made of the inter-agency work of the United Nations.

44. The strategy for the regional programme emphasizes capacity-building of national and regional institutions. Projects therefore include activities or components designed to: (a) create and/or strengthen consensus-building capacity; (b) establish or strengthen management capacity for development processes, especially in the area of the formulation and implementation of public policies; (c) provide support for measures aimed at improving results and increasing the capacity to undertake new activities; and (d) enhance the efficiency of management and information systems.